

JPRS-SEA-91-005  
5 MARCH 1991



# **JPRS Report**

## **East Asia**

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**Southeast Asia**  
**LPDR Criminal Code, Courts, and**  
**Criminal Procedure**

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**LPDR Criminal Code, Courts, and Criminal Procedure**

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5 March 1991

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## Offenses; Penalties

90S900144 Vientiane PASASON in Lao  
29 Mar 26 Apr 90

[The State and the Law column: "The Criminal Code"]

[29 Mar 90 p 2]

[Text]

### Section on General Principles

#### Chapter I. General Principles

Article 1. The Purpose of the Criminal Code.

The purpose of the criminal code is to protect the political system, the economy and the society of the LPDR [Lao People's Democratic Republic]; the property rights of the state, collectivities and individuals; the life, rights and freedom of the population; the peace of the nation and the order of society; and to guard against criminal acts and to teach the population to respect the law.

In order to carry out this purpose, this legal code stipulates that any action which endangers society is a criminal action and specifies a punishment for the offender.

Article 2. The Basis of Criminal Responsibility.

Any person is to be held criminally responsible and faces criminal penalties upon commission of an act either intentionally or through negligence which endangers society as stated in the Code only upon a court's decision.

#### Chapter II. The Criminal Code's Scope

Article 3. The Applicability of the Criminal Code in the LPDR.

The code is applicable throughout the LPDR. Any person committing a criminal act in the territory of the LPDR will be held accountable according to the code.

Diplomats or persons receiving diplomatic privileges under international treaties who commit offenses in the territory of the LPDR will be dealt with according to diplomatic convention.

Article 4. The Applicability of the Criminal Code Outside the Territory of the LPDR.

Lao citizens who commit a criminal act outside the territory of the LPDR will be held accountable to the code if the act is proscribed by the criminal code of the LPDR.

Foreigners or persons without citizenship residing in the LPDR who commit criminal acts outside the territory of the LPDR will be held similarly accountable.

Foreigners who commit criminal acts outside the territory of the LPDR will be held accountable to the laws of the LPDR where this is called for by international treaties.

Article 5. The Criminal Code's Effective Date of Applicability.

This code goes into effect starting with the day that it is announced as being in effect.

New laws which specify less severe punishments than old laws or decriminalize provisions of old laws will be effective retroactively.

New laws which specify new offenses or more severe punishments than old laws will not be retroactive.

[30 Mar 90 p 2]

[Text] Chapter III. Criminal Acts and Offenders

Article 6. The Definition of Offense.

Every act of commission or omission which endangers the political system, economy or society of the LPDR; the property rights of the state, collectivities and individuals; the life, rights and freedom of people; the peace of the nation and the order of society and which is proscribed by the criminal code will be considered a criminal act.

Every act of commission or omission which is a component part of a criminal act per se but which only causes slight losses for society will not be considered a criminal act.

Article 7. Offenses Are Divided Into Three Types:

Misdemeanors are offenses which the law specifies a punishment of public censure or a fine of up to 5,000 kip if it is the primary punishment as prescribed by Article 26 of this code.

Felonies are offenses for which the law specifies a punishment of reform without imprisonment, a fine of 5,000 kip and up if the punishment is the primary punishment as specified in article 26 of this code or imprisonment from three months to 10 years.

Serious felonies are offenses for which the law specifies a punishment of imprisonment of five years or over, up to execution.

Article 8. Intentional Offenses.

Intentional offenses are acts of commission or omission which the perpetrator knows to be dangerous to society and the consequences of same can be predicted but are willingly committed or allowed to occur.

Article 9. Offenses of Negligence.

Offenses of negligence are acts of commission or omission in which the perpetrator can predict the dangerous consequences for society but disregarded same and

believed that same would not occur or did not predict same despite the fact that these consequences should have or could have been so expected or predicted.

#### **Article 10. Multiple Offenses.**

Multiple offenses are offenses committed by one person through one or more acts which violate many provisions of the criminal code but which will be judged together by one court.

#### **Article 11. Recidivism.**

Recidivism is the commission of an offense by a person who had been imprisoned for an intentional offense during the time of his sentence or the repeated commission of intentional offense in the same place or fashion within five years of having served a sentence.

#### **Article 12. Preparing for Offense.**

Preparing for offense is the preparation of equipment, conditions or circumstances for intentional offenses.

Preparing for offense is punishable when it becomes dangerous for society only as pursuant to the particular provisions of this criminal code.

Preparing for offense is punishable according to provisions called for there.

#### **Article 13. Attempting To Commit an Offense.**

Attempting to commit an offense involves beginning to commit an intentional offense but because of external circumstances being unable to complete the offense.

Attempting to commit an offense is punishable when it becomes dangerous for society; only as pursuant to the particular provisions of the criminal code.

Attempting to commit an offense is punishable according to provisions called for there.

#### **Article 14. Voluntarily Ending the Commission of an Offense.**

If a person should voluntarily end the commission of his criminal act after having completed preparations for the offense or while attempting the offense, that person will not be held accountable under the criminal code unless those actions are part of other criminal acts.

#### **Article 15. The Definition of a Criminal.**

A criminal is any person who by acts of commission or omission endangers society and such actions or omissions are criminalized by the law.

#### **Article 16. Collusion.**

Collusion is the intentional cooperation of two or more persons in the commission of an offense.

Those considered to be in collusion include: the principal(s), the perpetrator(s), the instigator(s) and the accomplice(s).

1. The principal(s) are those who plan for, arrange for or give orders for the offense.

2. The perpetrator(s) are those who actually perform the criminal act.

3. The instigator(s) are those who encourage others to commit the offense.

4. The accomplice(s) are those who intentionally assist in the commission of the offense, promise beforehand to conceal the offenders or the vehicles and equipment used in the offense, destroy evidence of the offense, or conceal articles obtained through the offense.

**[31 Mar 90 p 3]**

#### **[Text] Chapter IV. Release From Criminal Responsibility**

##### **Article 17. Children Below the Age of Criminal Responsibility.**

Individuals under 15 years at the time of an offense will not be held criminally responsible, but courts will have to apply measures pursuant to Article 48 of this code.

##### **Article 18. Persons Who Are Mentally Deficient.**

An individual who commits an offense while mentally ill or insane who is incapable of understanding the consequences of his actions will not be held criminally responsible. The court can order that such an individual be cared for as called for by law.

An individual who commits an offense while under the influence of alcohol or narcotics will in no way be absolved from criminal responsibility.

##### **Article 19. Acting Under Compulsion and Threat.**

An individual who commits an offense under unavoidable compulsion or threat will not be held criminally responsible.

In such circumstances where the criminal act is a serious felony, compulsion or threat provide the only exemption from criminal responsibility.

##### **Article 20. Self Defense.**

Self defense is any action taken by an individual to defend the interests of the state or society or to defend one's own or someone else's life, health, legitimate rights or interests against an attack which presents a danger to society. However, such an attack must be a true and actual danger. The self defense must take place at the time and must not be disproportionate to the attack.

Self defense will not be considered an offense.

##### **Article 21. Condition of Necessity.**

This means that which must be done by an individual to avoid threats to the interests of the state or society, or threats to one's own or someone else's life, health, legitimate rights or interests when said threats can not be

avoided by other means and when it does not result from one's own criminal actions. The losses from the necessary action must be less than those which might have been caused by the danger.

Conditions of necessity will not be considered offenses.

**Article 22. Offenses for Which a Complaint Must Be Made by the Injured Party.**

In circumstances where offenses do not present a serious danger to society, barring a complaint by an injured party, there can be no legal proceeding, as for example when there is physical abuse between close relatives without serious injury or loss of body part; or in cases of slander and calumny against the reputation of the dead; or offenses against the personal property of close relatives; adultery; or violations of the home and personal privacy.

Withdrawal of such complaints will result in the end of the proceeding.

**Article 23. Offender Loss of Life.**

Criminal proceedings end with the death of an offender regardless of whether death occurs before or after charges are brought.

**Article 24. Statute of Limitations on Bringing Criminal Charges.**

The statute of limitations for bringing charges are as follows::

- One year for misdemeanors.
- Seven years for felonies.
- Fifteen years for serious felonies.

The statute of limitations starts with the date of the offense. If a new offense is committed within the statutory period of a former offense, that of the former offense will be considered to start with the commission of the new offense. If an offender has evaded legal proceedings, the statutory period begins upon surrender or arrest.

[2 Apr 90 pp 2,3]

**[Text] Chapter V. Punishment**

**Article 25. The Purpose of Punishment.**

The purpose of sentences is not just to punish the offender, it is also to reform and educate the person sentenced so that said person has a sincere attitude toward work, obeys the law strictly, respects the rules of society. It also works to prevent new offenses by the offender and others.

The purpose of punishment is not for physical torture or the transgression of human dignity.

**Article 26. Categories of Punishment.**

**A) Primary punishments.**

- 1: Public censure.
- 2: Reform without imprisonment.
- 3: Imprisonment.
- 4: Execution.

**B). Additional punishments.**

- 1: Fines (in some cases this may be the primary punishment).
- 2: Confiscation of property.
- 3: Confiscation of assets.
- 4: Revocation of the right to vote and the right to be a candidate.

5: Restriction on residence imprisonment is noted as lasting from three months to 20 years or for life. It is forbidden to sentence a person to imprisonment for life who was under 18 or pregnant at the time of the offense.

**Article 27. Public Censure.**

Public censure is censure of the offender in the court-room. If necessary the sentence of the court may be printed in newspapers or publicized by other means.

**Article 28. Reform Without Imprisonment.**

Reform without imprisonment is punishment whereby the offender works at a workplace or other place with a forfeiture of pay from 5 to 20 percent, depending on the sentence of the court. This sentence is not to exceed 1 year.

**Article 29. Imprisonment.**

Imprisonment is to last from three months to 20 years or life. It is forbidden to sentence a person to imprisonment for life who was under 18 or pregnant at the time of the offence.

**Article 30. Execution.**

Execution is special measure for offenders committing especially serious offenses as pursuant to the section for specific provisions of the criminal code.

Sentences of confiscation of assets and restriction of residence will be applied only to offenders committing offenses specified in the section for specific provisions of the criminal code.

In addition to the primary sentences and the additional sentences the court may also recommend that the appropriate agency revoke licenses to drive and other licenses, dismissal from position, suspension from position or profession, revoke medals or honors, or exile of the offender.

Execution is carried out by firing squad.

No one under 18 or pregnant at the time of the offence or at the time of sentencing or at the time the sentence is to be carried out may be executed.

#### Article 31. Fines.

Fines are financial punishments imposed by the court pursuant to the case and the provisions of the law.

The amount of the fine will depend on the severity of the offense and the financial position of the offender. If the offender is not able to pay the fine at the time, the court can change the sentence to one of reform without imprisonment.

It is forbidden to change a sentence of a fine to one of imprisonment or to change a sentence of imprisonment to one of a fine.

#### Article 32. Confiscation of Assets and Property.

Confiscation of assets means the confiscation of any part of an offender's property and the turning it over to the state without compensation. This punishment is to be applied only in cases of serious offenses as pursuant to the section for specific provisions of this criminal code.

When all assets are to be confiscated, there will be exceptions for those needed for daily life of the offender and family as allowed according to a list appended to this law. In cases where only a part of the assets are confiscated, the court must specify clearly which assets are to be confiscated.

Confiscation of material goods means the confiscation of those things used in the commission of an intentional offense, that which is to be used in the commission of such an offense, or resulting from the commission of such an offense. The property of other persons which is used in the commission of an offense may be confiscated by the state if the owner of the equipment loaned the equipment and is not without guilt or if the confiscation is necessary for the protection of society.

Such goods which belong to the state and collectivities will not be confiscated except to return same to the organization involved.

#### Article 33. Revocation of the Right To Vote and Seek Office.

Revoking the right to vote and seek office means the termination of such rights for persons committing serious felonies.

Revocation of the right to vote and seek office will be imposed on the offender for not more than five years after the completion of sentence.

#### Article 34. Restriction of Residence.

Restriction of residence is the prohibition on a person so sentenced from leaving a certain place or from entering a certain place as called for by the sentence of the court.

Restriction of residence will be imposed on the offender for not more than five years after the completion of sentence.

It is prohibited to impose this sentence on a person under 18 years, on a pregnant woman or on a woman with children under eight years of age at the time of the offence.

Restriction of residence will be described in the section for specific provisions of the criminal code.

#### [3 Apr 90 p 2]

#### [Text] **Chapter VI. Sentencing Policy**

##### Article 35. General Principles Concerning Sentencing.

The court passes sentence according to the provisions of the law for the offence in question. In sentencing the court must consider the nature of the offence, the danger to society presented by same, the character of the offender and mitigating or aggravating circumstances.

##### Article 36. Mitigating Circumstances.

These are:

1. An offender under 18 years of age.
2. Pregnancy.
3. Excessive self defence.
4. An offence due to severe mental impairment such that the offender was not capable of self-control and committed illegal acts against the victim.
5. An offence due to compulsion or threat.
6. The offender was able to limit the damage caused by the offence or voluntarily made restitution.
7. An offense due to severe personal or family problems.
8. The offender shows remorse, surrenders to officials, and fully confesses to one's own offense and those of others.
9. It is a first offense and if not a serious threat to society.
10. The offender has performed meritorious service to the nation.

In passing sentence, the court may also consider other mitigating circumstances which are not specified in this code.

##### Article 37. Aggravating Circumstances Are:

1. Repeat offences.
2. An offense committed by an organized group.
3. An offense motivated by greed.

4. An offense against minors, old people, people not able to defend themselves, people materially or otherwise dependent on the offender, and people under the offender's command.

5. If minors are incited to commit or participate in the commission of an offense.

6. An offense of brutality against a victim.

7. An offense with serious consequences.

8. An offense which takes advantage of a period of danger.

9. An offense endangering the public.

10. An offense committed under the influence of alcohol or narcotics. Depending on the nature of the offense, the court has the right to decide that it is not serious enough to be an aggravating circumstance.

11. False implication of those known by the offender to be innocent.

12. An offense committed to conceal another offense or the use of force to flee.

#### Article 38. Sentencing for Preparations To Commit Offenses and Attempts To Commit.

Sentencing depends on the nature of the offenses, the danger to society, the extent to which the intentions of the offender are carried out and the reasons the offense was not carried out. The court may pass a lesser sentence than the law specifies in such cases.

#### [4 Apr 90 p 2]

[Text] Article 39. Sentencing Co-Conspirators and Instigators.

Sentences will depend on their involvement in the offense. Depending on the extent and nature of the involvement of co-conspirators and instigators, the court may pass lesser sentences than the law specifies in such cases.

#### Article 40. Sentencing for Offenses Which Violate Many Laws.

In sentencing for a single offense which violates many laws, the law which provides for the severest penalty is to be followed.

In sentencing for many offenses which violate many laws, sentences should be handed down for all the offenses, but the total sentence is not to exceed the maximum sentence for the most serious offense as called for by law.

A sentence may be increased for any principal sentence if the increase for that offense is pursuant to the section for specific provisions of the criminal code.

In cases where a verdict has been reached and is final or the offender has carried out part or all of his sentence, if it is seen that the offender committed other offenses in the past, sentencing can be carried out in the manner mentioned above.

In cases where the verdict is final or the sentence is being carried out, if the person sentenced commits another offense, the court may increase the sentence not yet completed with a new sentence either in whole or in part.

Fines are to be levied individually; they may not be combined, or appended to other sentences as noted above.

#### Article 41. Sentencing Recidivist Offenders.

In sentencing recidivists who have committed felonies, the court may increase the normal sentence for the offense by one half.

Recidivist offenders who have committed serious felonies can be one reason for [a consideration of] aggravating circumstances as pursuant to Article 37 of this code.

#### Article 42. Suspended Sentences.

Suspended primary sentences consisting of imprisonment, reform without imprisonment, or fines means that the sentences are suspended for five years. If within this period the person convicted does not intentionally commit new offenses, the suspended sentence will be dropped. If the offender does intentionally commit new offenses the court will sentence the offender to imprisonment and that sentence will be strictly followed. The offender will also have to complete the suspended sentence.

#### Article 43. Temporary Imprisonment as Part of a Sentence.

The total time spent in temporary imprisonment must be considered as part of a sentence of imprisonment or reform without imprisonment; one day of temporary imprisonment is equal to one day of imprisonment or three days of reform without imprisonment.

#### Article 44. Release of Offender From Sentence and Transfer to Administrative Authority or Educational Organization.

If the offense committed is just a misdemeanor and if offender's character is such that there is no danger to society, the court may send this person to the administrative authority or an educational organization.

#### [5 Apr 90 p 2]

[Text] Chapter VII. Cancellation of Sentence and Conditional Release Prior To Expiration of Sentence

#### Article 45. Reasons for Cancellation of Sentence.

A criminal sentence will be cancelled under the following circumstances: death of convict; expiration of statute of limitations; the person sentenced is pardoned.

**Article 46. Statute of Limitations.**

The sentence passed on an offender may not be carried out if the period called for expires as described below:

—one year for misdemeanors.

—seven years for felonies.

—15 years for serious felonies.

The statute of limitations for sentencing begins with the day that the sentence is made final. If an additional offense is committed during the statute of limitations on sentencing for a previous offense, the period will begin with the day of the additional offense.

If there is evasion of sentence during the specified period, the period will be considered to begin with the day of surrender of capture.

**Article 47. Conditional Release Prior To Expiration of Sentence.**

Conditional release pursuant to the recommendation of the responsible committee at the reform camp may be granted convicts who are progressive, have engaged in self-tempering, and are exemplary in work. This also applies to those who have completed one half of a sentence for an offense committed while under 18 years of age at the time of the offense, two thirds of the sentence for an offender over 18, or 15 years for an offender sentenced to life imprisonment.

The people's court of the locality where a sentence is carried out will consider these conditional early releases and will set the conditions for the person released. If the person so released fulfills these conditions correctly for five years and does not commit new offenses, the sentence will be dropped.

If the person so released does not fulfill the conditions within this time, the releasee will carry out the remainder of the sentence. Upon commission of a new offense within this period, the offender will carry out the sentence for the new offense and the remainder of the old sentence.

Early release is prohibited for recidivists and those with death sentences commuted to life imprisonment.

**[6 Apr 90 p 2]****[Text] Chapter VIII. Court Procedures for Education, Training, and Treatment****Article 48. Court Procedures for Children.**

For children under 15 years who have committed offenses the court may impose the following:

1. It may have the child apologize to the injured party in an appropriate fashion.

2. It may publicize the offense.

3. It may order the child's guardian to pay attention to education and upbringing.

4. It may order the administrative authorities and social organizations to pay attention to education and upbringing.

The courts may apply the above for children from 15 to 18 who have committed misdemeanors or felonies.

Restitution is to be effected pursuant to civil procedures.

**Article 49. Court Procedures for the Mentally Incompetent.**

For persons mentally incompetent at the time of their offenses or who were mentally competent at the time of their offenses who became incompetent before sentenced by the court or who become so while carrying out their sentence, the court may effect treatment. It may send them for treatment to a mental hospital or treatment institution.

After treatment, the offender must stand trial or carry out sentence absent expiration of the statute of limitations.

Treatment time is to be applied toward the sentence.

**Article 50. Measures Taken by the Court for Those Addicted to Alcohol or Narcotics.**

For persons addicted to alcohol or narcotics who have committed offenses for which they have not been sentenced to imprisonment, the court may adopt measures to treat them. It may send them to a hospital or treatment institution. In cases where these persons are sentenced to imprisonment, the court must provide for treatment during their sentence. On expiration of sentence, if treatment has not been completed, the court may provide for continued treatment by sending them to alcohol or drug addict rehabilitation hospitals, or it may turn these persons over to the administrative authorities, social organizations or collective organizations to continue their education and treatment.

After treatment is completed, the court must try the offenders or sentence them absent expiration of the statute of limitations.

Treatment time is to be applied toward the sentence.

**[7 Apr 90 p 2]****[Text]****Specific Provisions****Chapter I. Acts Against National Security and Social Order****Article 51. Treason.**

Lao citizens who have had relations or cooperated with foreigners or foreign organizations with the intention of

damaging the independence, the sovereignty, the territorial integrity, over-riding national interests in the political affairs, national defense, the economy, culture and society of the LPDR will be imprisoned for 10 to 20 years. They may also be sentenced to confiscation of assets, residence restrictions, imprisonment for life or execution.

Preparations or attempts to commit such crimes will be punished.

Lao citizens who have been assigned by foreigners or foreign organizations to commit such crimes but who voluntarily report these circumstances to officials beforehand and have not yet committed the crimes will not be punished.

#### Article 52. Rebellion.

Any person who acts to create disturbances to overthrow or weaken the administrative authority will be imprisoned for 10 to 20 years. They may also be sentenced to confiscation of assets, residence restriction, imprisonment for life or execution.

Preparations for or attempts to commit such crimes will also be punished.

#### Article 53. Espionage.

Any foreigner, alien or stateless person who obtains information or documents concerning state or government secrets in order to use them to damage or destroy the LPDR will be imprisoned for eight to 20 years. They may also be sentenced to confiscation of assets, residence restrictions, life imprisonment or execution.

Any person who obtains information or documents concerning state or government secrets and sends them to Lao rebels seeking to overthrow the LPDR will be imprisoned for five to 10 years. Such person may also be sentenced to confiscation of assets or travel restrictions.

Any Lao citizen who obtains information or documents concerning state or government secrets and sends them to foreigners or foreign organizations to be used to damage or destroy the LPDR will be considered to have committed treason and will be sentenced according to Article 51 of this code.

Attempts to commit such crimes will also be punished.

#### [9 Apr 90 p 2]

##### [Text] Article 54. Violations of Territorial Integrity That Affect National Security.

Any person who while carrying arms, violates the territory of the LPDR in such a way that it affects national security will be imprisoned for five to 10 years.

Attempts to commit such an offense will also be punished.

#### Article 55. Destructive Intentions.

Any person who physically attacks a leader of the LPDR with the intention of overthrowing or weakening state power will be imprisoned for 10 to 20 years.

If these destructive intentions lead to the death of the leader, the offender will be sentenced to imprisonment for life or execution.

Any person who physically attacks a representative of state power, a cadre, or a person working for a government or social organization with the intention of weakening state power will be imprisoned for five to 10 years.

If these destructive intentions lead to the death of an official, the offender will be sentenced to imprisonment for 10 to 20 years, life imprisonment or death.

Any person who physically attacks a foreign representative with the intention of causing a break in international relations or a war will be imprisoned for eight to 20 years.

If these destructive intentions lead to the death of a foreign representative, the offender will be sentenced to imprisonment for 10 to 20 years, life imprisonment, or death.

In addition to the punishments mentioned above the offender may also be sentenced to confiscation of assets and residence restrictions.

Preparations or attempts to commit such crimes will also be punished.

#### Article 56. Causing Destruction.

Any person who destroys, sabotages or burns a factory, an office, a highway, a transportation vehicle, communications equipment or some other important economic unit with the intention of weakening the state and the national economy or who uses chemicals or disease bacteria to poison people or animals will be imprisoned for eight to 20 years. Said person may also be sentenced to confiscation of assets, residence restrictions, imprisonment for life or execution.

Preparations or attempts to commit such crimes will also be punished.

#### Article 57. Sabotage of State or Societal Activities.

Any person who sabotages activities in industry, trade, transportation, agriculture, finance or the economic base or of the organizations of the state or society either by acts of commission or omission or by internal subversion with the intention of weakening the state or the national

economy through the use of one's position will be imprisoned for five to 20 years. Offender may face residence restrictions, imprisonment for life or execution.

Preparations or attempts to commit such crimes will also be punished.

#### [10 Apr 90 p 2]

[Text] Article 58. Counterfeiting Money or Using Counterfeit Money.

Any person who uses a printing apparatus or other means to counterfeit bank notes or foreign currency or brings counterfeit money from abroad and distributes it in the LPDR will be imprisoned for five to 10 years.

Should the offender counterfeit money or bring in counterfeit money in an organized fashion or in great quantities, said person will be imprisoned for 10 to 20 years.

Preparations and attempts to commit such crimes will also be punished.

Any person who knowingly uses counterfeit money will be imprisoned for three months to five years.

Any person who knowingly possesses counterfeit money but does not report it to the authorities will be imprisoned for three months to two years.

#### Article 59. Anti-LPDR Propaganda.

Any person who slanders the LPDR; misrepresents the ideology of the party or the policies of the state; spreads negative information which causes confusion whether by word of mouth, writing, printed material, newspaper, movie, video, picture or any other means in which the content opposes the LPDR so as to weaken the power of the state will be imprisoned for one year to five years.

#### Article 60. Disrupting Solidarity.

Any person causing dissension among the multi-ethnic groups or classes of people with the intention of disrupting solidarity will be imprisoned for one year to five years.

#### Article 61. Banditry.

Any person who joins in an armed group and attacks or destroys factories, offices, or social organizations; captures or kills cadres or people; or steals the property of the state, collectivities or individuals with the intention of destroying social order will be imprisoned for five to 20 years. They may also be sentenced to confiscation of assets, residence restrictions, imprisonment for life or execution.

Preparations or attempts to commit such crimes will also be punished.

#### Article 62. Destroying or Invading Prison Camps or Reform Camps.

Any person who uses force to destroy or invade prison camps or reform camps with the intention of abducting or

releasing defendants or offenders in the prison camp or reform camp or uses force to abduct defendants or offenders being transported will be imprisoned for five to 20 years. Said person may also be sentenced to residence restrictions, imprisonment for life or execution.

Any person who disrupts the order within a prison camp or reform camp or incites defendants or offenders to flee will be imprisoned for one to five years.

Preparations or attempts to commit such crimes will also be punished.

#### Article 63. Fleeing to the Enemy, Supporting Counter-Revolutionaries.

Any person who flees to join the enemy for counter-revolutionary purposes will be imprisoned for three to 10 years.

Any person who conceals, provides sustenance to, or assists counter-revolutionaries will be imprisoned for one to five years.

#### Article 64. Offenses Against Friendly Countries.

Any person who commits offenses against friendly countries specified in articles 51 through 63 of this code will be given the same sentence as if the offenses were committed against the LPDR.

#### Article 65. Revealing State or Government Secrets.

Any person who is responsible for storing, safeguarding, or using documents related to state secrets and who reveals same, or causes their compromise or loss will be imprisoned for three to five years.

If the offense involves government secrets the person will be imprisoned for one to three years.

#### [11 Apr 90 p 2]

[Text] Article 66. Assembly To Create Disorder.

Any person organizing or joining a group involved in protests, marches or other activities to cause disorder and which damage society will be imprisoned for one to five years.

Attempts to commit such offenses will also be punished.

#### Article 67. Destroying or Moving Border Markers.

Any person who intentionally destroys, permits the deterioration of or illegally moves a border marker will be imprisoned for six months to three years or fined 5,000 to 30,000 kip.

#### Article 68. Destroying or Showing Disrespect for the National Symbols or Flag.

Any person who destroys or shows disrespect for the national symbols or flag affecting the honor and dignity of the LPDR will be imprisoned for three months to two years or fined 5,000 to 20,000 kip.

**Article 69. Bringing People Into or Out of the Country Illegally.**

Any person who encourages or deceives people to flee the country or brings people out of or into the country illegally will be imprisoned for six months to three years.

**Article 70. Production, Possession or Use of Combat Weapons or Explosives Illegally.**

Any person who produces, possesses, keeps, carries or uses combat weapons or explosives illegally will be imprisoned for six months to five years.

**Article 71. Trading in Combat Weapons or Explosives Illegally.**

Any person who buys or sells combat weapons or explosives illegally will be imprisoned for six months to five years.

Should an offender engage in this trade habitually, organize groups or trade in large numbers of these items, said person will be imprisoned for five to 10 years.

**Article 72. Theft, Misappropriation, Robbery of Combat Weapons or Explosives.**

Any person who steals, misappropriates or takes by robbery combat weapons or explosives will be imprisoned for two to five years.

If the offender should habitually steal or misappropriate combat weapons or explosives, organize a group for this purpose, steal or misappropriate large numbers of these items or take same by robbery, said person will be imprisoned for five to 10 years.

**Article 73. Damaging State or Collective Combat Weapons or Explosives.**

Any person who negligently damages state or collective combat weapons or explosives will be imprisoned for three months to three years. Said person may also be sentenced to reform without imprisonment.

**Article 74. Illegal Production or Possession of Radio Communications Equipment.**

Any person who produces, possesses or installs radio communications equipment illegally will be imprisoned for six months to three years.

**[12 Apr 90 p 2]**

**[Text] Article 75. Illegal Medical Practice.**

Any person not authorized to provide health care and does so for payment will be fined from 5,000 to 50,000 kip.

If the offender causes the loss of an organ or death, said person will be imprisoned for three months to five years.

**Article 76. Illegal Gambling.**

Any person engaging in illegal gambling will be fined from 5,000 to 50,000 kip.

Any person who allows illegal gambling in one's house, runs a gambling game or who repeats such offenses will be sentenced to imprisonment for three months to two years or to reform without imprisonment.

**Article 77. Hooliganism.**

Any person who does not respect the rules of society and resorts to violence, threats or rudeness or commits other acts which violate social order will be publicly censured and fined 1,000 to 5,000 kip.

Recidivist offenders will be sentenced to imprisonment for three months to one year or reform without imprisonment.

**Article 78. Offenses Involving Traffic Safety.**

Any person who intentionally damages streets or roads, blocks streets or roads, changes or damages traffic signs and signals or kilometer markers, or uses force or threats against drivers causing a traffic accident will be imprisoned for six months to two years.

If these offenses cause serious injury or injures several people or causes loss of limb, the offender will be imprisoned for two to five years.

If these offenses cause loss of life, the offender will be imprisoned for six to 10 years.

If the offenses are the result of negligence, the offender will be fined 5,000 to 15,000 kip.

If these offenses are the result of negligence and they cause serious injury, injuries to several people or loss of limb, the offender will be imprisoned for six months to three years.

If these offenses are the result of negligence and cause death, the offender will be imprisoned for two to five years.

If these offenses are the result of negligence and result in several deaths, the offender will be imprisoned for five to eight years.

**Article 79. Violation of Traffic Laws With an Accident Resulting.**

Any person who violates a traffic law and thus causes an accident in which another person is injured will be fined 5,000 to 15,000 kip.

If the accident causes a serious injury, several injuries or loss of limb, the offender will be imprisoned for six months to three years.

If the accident causes a death, the offender will be imprisoned for two to five years.

If the accident causes several deaths, the offender will be imprisoned for five to 10 years.

#### Article 80. Leaving the Scene of an Accident.

Any person who causes an accident and then leaves the scene will be imprisoned for six months to two years.

Attempts to commit such offenses will also be punished.

**[13 Apr 90 p 2]**

#### [Text] Chapter II. Offenses Against the Life, Health, and Dignity of Individuals

##### Article 81. Murder.

Any person who intentionally causes the death of another person will be imprisoned for 10 to 15 years.

An offender who is an habitual killer, kills with premeditation, kills viciously, kills an on-duty cadre, kills several people, kills a pregnant woman, or kills to conceal another offense, will be imprisoned for 10 to 20 years. The offender may also be sentenced to residence restrictions, imprisonment for life or execution.

An offender who murders intentionally because of such mental impairment to be incapable of self-control will be imprisoned for three to five years.

Preparations or attempts to commit such offenses will also be punished.

##### Article 82. Causing the Death of Another Because of Negligence.

Any person who causes the death of another because of negligence will be imprisoned for two to five years.

If this causes multiple deaths, the person will be imprisoned for five to 10 years.

##### Article 83. Inflicting Bodily Harm.

Any person who injures another person intentionally will be imprisoned for three months to one year.

If the case involves a concealed attack or serious injury, the offender will be imprisoned for one to five years.

If the offense causes loss of limb or results in death, the offender will be imprisoned for five to 10 years.

Attempts to commit such offenses will be punished.

##### Article 84. Causing Injuries Through Negligence.

Any person who causes an injury through negligence will be fined 1,000 to 5,000 kip.

If the offense causes serious injury, injury to many people or loss of limb, the person will be imprisoned for six months to three years.

##### Article 85. Illegal Abortions.

Any person who performs an illegal abortion for another person will be imprisoned for two to five years.

If the offender performs such abortions habitually or if an illegal abortion affects the health of the woman or causes her death, the offender will be imprisoned for five to 10 years.

Any woman who performs an abortion on herself or has another person perform an illegal abortion will be imprisoned for three months to one year.

Attempts to commit such offenses will also be punished.

**[14 Apr 90 p 2]**

#### [Text] Article 86. Failure To Help Another Person in Danger.

Anyone failing to render assistance in a life- or health-threatening situation even when able to do so, or does not ask someone else to do so will be imprisoned for three months to one year.

Anyone whose duty is to provide such help who does not do so will be imprisoned for one to three years.

##### Article 87. Calumny and Slander.

Anyone who causes another a serious loss of honor and dignity either by writing, speech or other means will be sentenced to imprisonment for three months to one year or to reform with out imprisonment or a fine of 5,000 to 10,000 kip.

Anyone who slanders another falsely either by writing, speech or other means causing the other a serious loss of dignity and honor will be sentenced to imprisonment for three months to one year or to reform without imprisonment or a fine of 5,000 to 10,000 kip.

##### Article 88. Cursing.

Anyone who through vulgar speech, writing or actions against another causes that person a serious loss of honor and dignity will be sentenced to imprisonment for three months to one year or to reform without imprisonment or a fine of 5,000 to 10,000 kip.

##### Article 89. Insulting a Corpse or the Reputation of a Deceased.

Anyone who through vulgar actions or speech against a corpse, the reputation of a deceased, a burial place or tomb which affects the spirit of the masses will be sentenced to imprisonment for three months to one year or to reform without imprisonment or a fine of 5,000 to 10,000 kip.

### Chapter III. Violations of Civil Rights and Freedoms

#### Article 90. Compulsion

Anyone who uses force, weaponry, or threats to compel another to act or not to act against the latter's will resulting in damage shall be imprisoned for three months to three years.

Should this compulsion involve the hijacking or a vehicle, boat or aircraft, the punishment shall be imprisonment for three to 10 years.

#### Article 91. Illegal Arrest and Confinement.

Anyone illegally arresting or confining another shall be imprisoned from six months to two years.

In the event that said offense results in the deterioration of the arrestee's or confined person's health, the punishment shall be imprisonment from two to five years.

In the event that said offense results in the disabling or loss of life to the victim, the punishment shall be imprisonment from five to ten years.

#### Article 92. Sale of People and Kidnapping.

Anyone selling people or kidnapping for ransom or sale or other matters shall be imprisoned from five to 15 years.

#### Article 93. Violations of Individual Liberties.

Anyone violating the freedoms of an individual in lawful speech, writings, demonstrations, meetings etc shall be imprisoned from three months to one year or punished by reform without imprisonment.

#### Article 94. Violations of Residence.

Anyone illegally entering another's residence using force, threats, forged documents, impersonation of an official or by other means shall be imprisoned from six months to two years or fined from 5,000 to 20,000 kip.

#### Article 95. Violations of Privacy.

Anyone revealing the private matters of another which were learned of during the performance of specialized or official duties and which result in damages to the other party shall be imprisoned from three to six months or fined from 5,000 to 10,000 kip.

Anyone who surreptitiously opens a letter, telegram or other document or who taps another person's telephone resulting in damages to the injured party shall be imprisoned for three to six months or fined from 5,000 to 10,000 kip.

#### Article 96. Obstruction of the Right To Vote or Be a Candidate.

Anyone who obstructs another's right to vote or be a candidate for people's assemblies by the use of threats, bribery or deception shall be imprisoned from three months to one year.

#### Article 97. Forgery or Destruction of Election Documents.

Anyone who forges or destroys election documents, who forges or destroys ballots or the results of an election to people's assemblies shall be imprisoned from one to two years.

### Chapter IV. Offenses Against the State or Collective

#### Article 98. Robbery of State or Collective Property.

Anyone who uses force to attack or who directly threatens the life or health of another in order to take state or collective property shall be imprisoned from five to 10 years.

If the offender repeats the offense or organizes a group which results in serious injury or loss of life or causes great losses, the punishment will be 10 to 20 years imprisonment. Property may be confiscated, residence rights may be restricted, or the offender may be imprisoned for life or put to death.

Preparations to commit an offense and the attempt will also be punished.

#### Article 99. Theft of State or Collective Property.

Anyone who clandestinely appropriates state or collective property as one's own will be imprisoned from six months to three years.

Anyone who steals state or collective property by confrontation will be imprisoned from one to three years.

If the offender steals by prying open or destroying a fence, door, box, cabinet, etc. the offender will be imprisoned from one to three years.

If the offender is a repeat offender in theft or robbery, organizes a group or causes great losses, the punishment will be imprisonment from three to seven years.

Attempted offenses will also be punished.

#### Article 100. Illegal Conversion of State or Collective Property.

Anyone using any form of scheme or deception so as to cause a person responsible for state or collective property to turn over said property to oneself shall be imprisoned from six months to three years.

If the offender repeats the offense, organizes a group, or causes great losses, the punishment will be imprisonment from three to seven years.

Attempted offenses will also be punished.

**Article 101. Embezzlement of State or Collective Property.**

Anyone who misuses trust and confidence in order to convert, take parts of or exchange state or collective property which has been assigned to oneself for safe-keeping, transport, construction, repair or for any other purpose related to work shall be imprisoned from six months to three years.

If the offender repeats the offense, organizes a group or causes great losses, the punishment shall be imprisonment from three to seven years.

Attempted offenses will also be punished.

**Article 102. Intentional Destruction of or Damage to State or Collective Property.**

Anyone who intentionally destroys or damages state or collective property by any means shall be imprisoned from one to three years or fined from 10,000 to 30,000 kip.

If there are great losses and there is a danger to the life and health of the public, the punishment shall be imprisonment from three to 10 years.

Attempted offenses will also be punished.

**Article 103. Destruction of Antiquities or Edifices of Cultural Heritage.**

Anyone who destroys antiquities or edifices of cultural heritage which belong to the public or private parties or who removes said items from the country without permission will be imprisoned from one to five years or fined pursuant to the regulations concerning the protection of antiquities.

**[18 Apr 90 p 2]**

[Text] Any person who destroys stupas or other sacred sites or objects, excavates temple grounds, removes Buddha images or other sacred objects for destruction or sale will be imprisoned for two to seven years.

**Article 104. Causing Losses to State or Collective Property Through Negligence.**

Anyone who through negligence causes large losses to state or collective property which affect society or the economic base will be sentenced to imprisonment for three months to three years or to reform without imprisonment.

**Article 105. Dereliction of Duty in Protecting State or Collective Property.**

Anyone directly responsible for caring for state or collective property and who through dereliction of duty fails act pursuant to regulations and causes large losses to said property will be imprisoned for six months to three years.

**Article 106. Illegal Possession of State or Collective Property.**

Anyone who intentionally takes possession of state or collective property which he/she finds, collects or gathers or which someone else gives him/her without informing an official will be imprisoned for three months to two years.

If said property is very valuable in great quantity, the person will be imprisoned for two to five years.

**Article 107. The Illegal Concealment or Sale of State or Collective Property.**

Anyone who knows that state or collective property has been obtained through plunder, theft, seizure, fraud, misappropriation or other illegal means and who accepts, buys, keeps, conceals or sells said property will be imprisoned for three months to two years.

An offender who commits these acts habitually, organizes a group for this purpose or if there are large losses, will be imprisoned for one to five years.

**Article 108. Misuse of State or Collective Property.**

Anyone misusing state or collective property for personal gain and thereby causes great losses to the state or collectivity will be imprisoned for three months to two years.

**[19 Apr 90 p 2]**

**[Text] Chapter V. Offenses Against Private Property**

**Article 109. Plundering Private Property.**

Anyone using forced entry or threats against the life or health of another in order to take control of another's property will be imprisoned for four to eight years.

An offender who plunders the property of others habitually, organizes a group for this purpose, causes serious injury, death, or great losses will be imprisoned for eight to 15 years.

Preparations or attempts to commit such offenses will also be punished.

**Article 110. Theft or Robbery of Private Property.**

Any person who takes the property of another secretly will be imprisoned for three months to two years or to reform without imprisonment.

Anyone who robs another of property will be imprisoned for six months to three years.

An offender who steals using forced entry or breaking of doors, boxes or cabinets etc. will be imprisoned for six months to three years.

An offender who steals or robs the property of others habitually, organizes a group for this purpose or causes great loss will be imprisoned for three to five years.

Attempts to commit such offenses will also be punished.

**Article 111. Defrauding Citizens of Their Property.**

Anyone using trickery or deceit of any sort to gain the property of another will be imprisoned for three months to two years.

An offender who engages in fraud habitually, organizes a group for this purpose or causes great loss will be imprisoned for two to five years.

Attempts to commit such offenses will also be punished.

**Article 112. Misappropriating Property of Citizens.**

Anyone taking advantage of another's trust to steal, embezzle or substitutes property entrusted for care or for any other reason will be imprisoned for three months to two years.

An offender who misappropriates property habitually, organizes a group for this purpose or causes great loss, will be imprisoned for two to five years.

Attempts to commit such offenses will also be punished.

**Article 113. Intentional Destruction of or Damage to Citizen Property.**

Anyone who intentionally destroys or damages the property of another by any means will be imprisoned for six months to two years or fined 5,000 to 20,000 kip.

An offender who causes a great deal of damage or is a danger to the lives or health of the people will be imprisoned for two to seven years.

Attempts to commit such offenses will also be punished.

**Article 114. Illegal Possession of Private Property.**

Anyone who intentionally possesses the property of another which the former found, kept, or gathered or which another gave him/her without informing the authorities will be imprisoned for three months to one year.

If said property is of great value or a large amount is involved, the offender will be imprisoned for one to three years.

**Article 115. Illegally Concealing or Selling Private Property.**

Anyone who knows that the property obtained by another comes from robbery, theft, mugging, fraud, misrepresentation, or other illegal means, and who takes, buys, retains, hides, or sells said property shall be imprisoned for three months to one year.

If the offender commits said offense repeatedly, acts in concert with others, or causes great damage, the offender will be imprisoned for one year to three years.

**Article 116. Negligent Destruction of Private Property by Fire**

Any person who causes great losses by fire to the house, warehouse, equipment, shop or harvest of another through negligence will be imprisoned for three months to two years or to reform without imprisonment.

[20 Apr 90 p 2]

**[Text] Chapter VI. Offenses Against Marriage, the Family and Customs**

**Article 117. Adultery.**

Any married person who has sexual intercourse with someone other than one's spouse will be sentenced to imprisonment for three months to one year or to reform without imprisonment.

Parties to adultery will receive similar sentences.

**Article 118. Failure To Fulfill Obligations To Care for Children, Parents or Spouse.**

Anyone who does not provide for the care of one's minor children or impoverished parents or for a sick or disabled husband as called for by the court will be sentenced to public censure.

**Article 119. Rape.**

Anyone who uses force, threatens with a weapon, uses anesthesia or intoxicants, or any other means to render helpless a woman not his wife in order to have non-consensual sexual intercourse will be imprisoned for three to five years.

If the offender rapes a girl age 15 to 18 who is under his care, said offender will be imprisoned for five to 10 years.

If the offender rapes in a perverted way, rapes a child under 15 years, injures the woman during the rape, disables a woman for life or causes her death, the offender will be imprisoned for seven to 15 years.

If the offender rapes then kills the female, the offender will be imprisoned for 15 to 20 years, or for life, or face execution.

Attempts to commit such offenses will also be punished.

**Article 120. Rape of Children.**

Any person who has sexual intercourse with a girl or boy under 15 years will be imprisoned for one to five years.

**Article 121. Rape by Monks and Novices.**

Any monk or novice who has sexual intercourse with a woman or a man will be imprisoned for six months to three years.

Any woman or man who voluntarily has sexual intercourse with a monk or a novice will receive a similar sentence.

#### Article 122. Engaging in Prostitution.

Anyone making a living from prostitution will be sentenced to imprisonment for three months to one year or to reform without imprisonment.

Anyone who assists or facilitates prostitution will be sentenced to imprisonment for three months to one year or to reform without imprisonment.

#### Article 123. Procuring for Prostitution.

Anyone seeking income by selling the services of prostitutes in any way will be imprisoned for six months to three years.

An offender who is a professional procurer, procures underage females for prostitution, or compels females under one's care to engage in prostitution, will be imprisoned for three to five years.

#### Article 124. Incest.

Anyone who has sexual intercourse with parents, step-parents, grandparents, children, stepchildren, grandchildren, or siblings will be imprisoned for six months to five years.

Any person consenting to such sexual intercourse will be imprisoned for three months to one year.

#### Article 125. Indecency.

Anyone having sexual intercourse or exposes genitalia in public will be sentenced to imprisonment for three months to one year or to reform without imprisonment.

#### Article 126. Obscenity.

Aside from the actions specified in Article 119 of this code, anyone whose actions offend others sexually will be sentenced to imprisonment for six months to three years or to reform without imprisonment.

#### Article 127. Distributing Pornography and Things Which Violate the National Culture.

Anyone who produces, sells, or widely disseminates books, pictures, films, videos or other pornographic items, or that which violates the national culture, or distributes them broadly or secretly will be imprisoned for three months to one year or will be fined 5,000 to 50,000 kip.

[21 Apr 90 p 2]

### [Text] Chapter VII. Economic Offenses

#### Article 128. Destruction of Forests.

Anyone felling trees or clearing forests in violation of forestry regulations, burning or destroying forests by

other means will be imprisoned for three months to one year or will be fined according to forestry regulations.

If the losses are great, the person will be imprisoned for one to five years or fined according to forestry regulations.

#### Article 129. Destruction of Crops.

Anyone who destroys state, collective, social organization, or private crops will be fined 1,000 to 5,000 kip.

If the losses caused are great, the person will be imprisoned for three months to two years.

#### Article 130. Hunting Game Illegally.

Anyone who hunts in violation of regulations, for example who hunts animals which are protected, hunts out of season or in preserves or with weapons which are prohibited etc., will be imprisoned for three months to two years and will be fined according to hunting regulations.

#### Article 131. Fishing Illegally.

Anyone who fishes against regulations, for example who uses explosives, poisons, chemicals or other prohibited means, will be imprisoned for three months to one year and will be fined according to fishing regulations.

#### Article 132. Exploiting Natural Resources Illegally.

Anyone who illegally exploits natural resources such as metal, minerals, valuable stones or forest products will be fined 5,000 to 50,000 kip.

If the losses caused are great, the person will be imprisoned for two to five years.

#### Article 133. The Production or Sale of Footstuffs or Medicines Dangerous to Human Health.

Anyone who through negligence produces or sells drink, meat, fish, fruit, vegetables or other foodstuffs, or medicines dangerous to human health will be fined 5,000 to 20,000 kip.

If such actions are committed intentionally, the person will be imprisoned for three months to three years.

#### Article 134. Sales of Contraband.

Anyone who sells contraband will be imprisoned for three months to two years and will be fined according to tax regulations.

#### Article 135. The Sale or Possession of Narcotics.

Anyone who sells opium, produces or sells heroin or any other narcotic, or transports said narcotic will be imprisoned for one to five years.

An offender who sells narcotics habitually, organizes a group for this purpose, or if large amounts are involved, said offender will be imprisoned for two to 10 years.

Anyone in possession of large amounts of narcotics will be imprisoned for six months to three years.

Article 136. Price Gouging.

Anyone engaging in price gouging or who sells goods at excessively high prices during a drought, flood, or any other period of difficulty in any locality will be imprisoned for six months to two years or will be fined 5,000 to 50,000 kip.

Attempts to commit such offenses will also be punished.

Article 137. Hoarding.

Anyone who hoards or conceals goods in one's enterprise, business or store or in any other location in order to create confusion in the economy and in living standards will be imprisoned for one to four years and will be fined according to tax regulations.

Article 138. Illegal Sales of State or Collective Goods.

Anyone responsible for sales of state or collective goods who sells said goods illegally out of greed will be imprisoned for six months to two years.

Attempts to commit such offenses will also be sentenced.

Article 139. Counterfeiting Seals or Measures.

Anyone who commits fraud using weights or measures when selling or bartering or uses a scale or measure which has been altered or does not meet standards in order to defraud will be imprisoned for six months to two years or will be fined 5,000 to 30,000 kip.

Article 140. Forging or Uttering Checks or Other Financial Instruments.

Anyone who forges checks or other financial instruments to obtain money at the bank, to exchange for goods or to use for some other purpose will be imprisoned for six months to three years or will be fined according to banking regulations.

Anyone who writes a check with no funds, writes a check for insufficient funds or who trades in or barters checks illegally will be imprisoned for six months to three years or will be fined according to banking regulations.

Article 141. Violating State Tax or Customs Regulations.

Anyone who violates state tax or customs regulations, such as the land tax, the resources tax, or import-export duties will be imprisoned for three months to three years or will be fined according to state tax regulations.

[24 Apr 90 p 2]

[Text] Chapter VIII. Cadre Dereliction of Duty

Article 142. Misuse of Power.

Any cadre who uses his/her power, position or duties for personal gain and thereby hurts the interests of the state

or society or civil rights or interests will be imprisoned for three months to two years.

If this results in serious damage, the offender will be imprisoned for two to five years.

Article 143. Exceeding the Limits of Authority.

Any cadre who intentionally exceeds the limits of his/her authority as prescribed by law and thereby hurts the interests of the state, society or citizens will be imprisoned for three months to three years.

A cadre who exceeds the limits of his/her authority in the use of force or weapons; in word or deed which tramples on the dignity of the injured party, will be imprisoned for three to five years.

Article 144. Non-Performance of Duty.

Any cadre who intentionally declines to perform duties causing losses in the operations of the state or society will be sentenced to imprisonment for six months to three years or to reform without imprisonment.

Article 145. Negligent Performance of Duty.

A cadre not performing one's assigned duties or who does so irresponsibly hurting the interests of the state or society or civil rights or interests will be sentenced to imprisonment for three months to three years or to reform without imprisonment.

Article 146. Accepting or Giving Bribes.

Any cadre who demands, requests, accepts or agrees to accept a bribe from another party and uses one's position to benefit the party giving the bribe will be imprisoned for one to three years.

Anyone bribing or agreeing to bribe a cadre will be imprisoned for six months to two years.

If the bribe is large, the cadre accepting the bribe and the party giving the bribe will be imprisoned for three to five years.

Anyone who acts as an intermediary for receiving or giving bribes will be imprisoned for six months to two years.

Anyone who gives a bribe under pressure or threat and who afterwards reports this truthfully to officials will not be considered guilty of giving a bribe.

[25 Apr 90 p 2]

[Text] Chapter IX. Offenses Against the Administration and Justice System

Article 147. Obstruction of Officials on Duty.

Anyone who uses threats or force to hinder officials while they are doing the work of the state or society will be imprisoned for three months to two years or fined 5,000 to 20,000 kip.

If force is used which results in the wounding of an official, the person will be imprisoned for two to five years.

If force is used which results in an official suffering loss of limb or life, the person will be imprisoned for five to 20 years or for life or face execution.

#### Article 148. Slandering Officials.

Anyone who through rude actions or speech or false accusations against an official in order to cause the official to suffer a loss of reputation and effectiveness so as to damage popular trust of said official will be imprisoned for three months to two years or fined 5,000 to 20,000 kip.

#### Article 149. The Destruction or Concealment of Documents or Seals.

Anyone who intentionally destroys or conceals government documents or seals or causes government documents or seals to be damaged or unusable will be imprisoned for three months to one year.

If the documents are important and this offense thereby causes great losses, the person will be imprisoned for one to five years.

Attempts to commit such offenses will also be punished.

#### Article 150. The Forging of Documents or the Use of Forged Documents.

Anyone who forges documents, signatures, or seals, or who alters the content of a document will be imprisoned for three months to two years.

Anyone who knows that a document is forged and still uses it will be imprisoned for three months to two years.

If the forging of the document or the use of the forged document causes great losses, the person will be imprisoned for two to five years.

#### Article 151. Unauthorized Ordination.

Anyone who enters the priesthood or becomes a novice without receiving permission from administrative authorities will be imprisoned for three months to one year.

Any Buddhist monk who performs an unauthorized ordination will be sentenced to a similar level of punishment.

#### Article 152. False Accusations.

Anyone who intentionally tries to incriminate another person by making false statements to officials so that the other will be tried or arrested will be imprisoned for one to three years.

#### Article 153. False Statements.

Witnesses, plaintiffs, experts, or translators who intentionally give untrue information, opinions, or translations to a court or officials for any purpose will be imprisoned for one to five years.

Anyone who agrees to give money, goods, or any other benefits to such persons in return for false statements will be imprisoned for one to five years.

#### Article 154. Concealment of an Offense.

Anyone who knows of or witnesses an offense of another and does not report this to officials will be sentenced to imprisonment for three months to two years or to reform without imprisonment.

#### Article 155. Concealing Offenders.

Anyone who without any prior agreement with an offender conceals or assists that offender to escape arrest or trial will be sentenced to imprisonment for three months to five years or to reform without imprisonment.

#### Article 156. Destruction of Evidence.

Anyone who intentionally eliminates clues or conceals documents or items of evidence of a crime will be sentenced to imprisonment for six months to three years or to reform without imprisonment.

Attempts to commit such offenses will also be punished.

#### [26 Apr 90 p 2]

#### [Text] Article 157. Misappropriation of Evidence.

Anyone responsible for caring for property or items being held as evidence who sells, conceals, pawned, uses, substitutes or damages this evidence illegally will be sentenced to imprisonment for six months to three years or reform without imprisonment.

#### Article 158. Escaping From Prison or Reform Camps.

Anyone who escapes from a prison or reform camp while being tried or serving sentence will be imprisoned for six months to three years.

An offender escaping by using force against officials will be imprisoned for three to five years.

#### Article 159. Causing Disorder in Prison or Reform Camps.

Anyone who causes disorder in a prison or reform camp will be imprisoned for three months to three years.

#### Article 160. Mistreating the Accused or Prisoners.

Anyone who mistreats or takes illegal measures or actions against an accused person or prisoner under arrest, being tried or serving sentence will be sentenced to imprisonment for three months to three years or to reform without imprisonment.

**Article 161. Allowing an Accused Person or Prisoner To Escape.**

Anyone who through negligence allows an accused person or prisoner to escape while under his/her supervision or while the accused person or prisoner is being moved will be imprisoned for three months to two years.

If the person intentionally allows the accused or prisoner to escape, he/she will be imprisoned for three to seven years.

Attempts to commit such offenses will also be punished.

**Article 162. Failure To Carry Out the Sentence or the Order of the Court.**

Anyone who fails to carry out the order, decision, sentence or warrant of the court will be imprisoned for three months to one year or fined 5,000 to 10,000 kip.

This law was voted on and unanimously endorsed by the Second Enlarged Plenary Session of Supreme People's Assembly (session II) on 23 November, 1989 at 1500 hours.

[The following comes at the end of the Criminal Code Law]

**Assets and Property Which May Not Be Confiscated**

The following are necessary assets and property for the sentenced person and dependents and may not be confiscated:

1. The residence of the person sentenced and family.
2. The cattle, buffalo, elephants, horses, goats, sheep or pigs if there is only one of each, and poultry—this is provided for persons making a living from farming or raising livestock.
3. Animal feed if the animals are not confiscated.
4. Seed and farming equipment for those making a living from farming.
5. Property used regularly by the person sentenced and dependents:
  - clothing
  - bedding
  - cooking utensils
  - furniture (individual beds and chairs, tables, cabinets and boxes)
  - children's toys of all types
6. Food
7. Items necessary for the livelihood of the person sentenced except where the court prohibits the continuation of that profession or the profession is illegal.

[27 Apr 90 p 2]

### **Role, Scope of Authority**

92S90014B Vientiane PASASON in Lao  
27 Apr-4 May 90

[The State and the Law column: "Laws Concerning LPDR Public Prosecutors"]

#### **[Text] Chapter I. General Principles**

##### **Article 1. The Office and Responsibility of the Public Prosecutor.**

The public prosecutor's office is a state organ subordinate to the highest level of state authority. Its responsibility is to assure that laws are observed correctly and uniformly by every ministry and state commission, office, enterprise or other state or social organization, and by local administrative committees, government officials and citizens.

The operations of the public prosecutor's office of the LPDR aim at increasing social justice and order and defending the just rights and interests of every ministry and state commission, office, enterprise or other state or social organization, the local administrative committees and government officials and civil rights, interests and freedoms.

The operations of the public prosecutor's office perform the function of training government officials and citizens to respect the law and social order.

##### **Article 2. The Duties of the Public Prosecutor's Office of the LPDR Are as Follows:**

1. Review the observance of the law by every government organization, office, enterprise or other state or social organization, and by government officials and citizens (general investigations).

2. Review the observance of the law by investigative organizations.

3. Review the observance of the law in the courts and in carrying out the decisions of the courts.

4. Review the observance of the law in detention areas and prisons while sentences of imprisonment and other court rulings are being carried out.

5. Fight crime and other violations of the law in order to wipe out the conditions which lead to same.

6. Assure a complete and objective investigation of every criminal case, and adopt measures to block crime in coordination with other government and social organizations.

7. Assure that offenders are punished according to the law and that those who are innocent are not punished.

8. Conduct investigations into part or all of any case which falls within its jurisdiction according to the law.

Within this area of jurisdiction the low-level prosecutors have the authority to investigate every case as ordered by the upper-level prosecutors.

In investigating cases the public prosecutors may delegate to investigation cadres.

[28 Apr 90 p 3]

[Text] Article 3. The Principles for the Establishment and Operation of the Public Prosecutor's Office.

The various levels of the public prosecutor's office make up an organization which is unified and centralized. It is directed by the procurator general. The low-level prosecutors are subordinate to the upper-level prosecutors.

The local prosecutors (at the province, Vientiane Prefectural and district level) and the military prosecutors operate independently of and are not subordinate to local state organs. They are subordinate only to the procurator general.

The public prosecutor's office of the LPDR operates according to the principles of law as stated by the constitution and the laws of the LPDR. It assures the correct and uniform observance of the law. It is not subordinate to local administrative authorities. It adopts measures necessary to uncover and deal with violations of the law, redress violations of civil rights and bring charges against offenders in court.

##### **Article 4. The Appointment and the Duties of the Procurator General.**

The procurator general is appointed by the Supreme People's Assembly [SPA] upon the recommendation of its Standing Committee. The incumbent's term of office is the same as that of the SPA. The incumbent is responsible to and reports on office's activities to the SPA. When the SPA is not in session, incumbent reports to the Standing Committee.

The procurator general is dismissed by the SPA upon the recommendation of the Standing Committee. When the SPA is not in session, the incumbent may be temporarily suspended by the Standing Committee.

The deputy procurators general are appointed and dismissed by the Standing Committee upon the recommendation of the procurator general.

##### **Article 5. The Authority of the Procurator General.**

The procurator general issues decrees, orders and recommendations which must be followed by the public prosecutors at every level.

If necessary the procurator general may issue decrees, orders and recommendations to ministries, state commissions and related organizations.

Decrees, orders and recommendations of the procurator general not in keeping with the law may be reversed by the SPA Standing Committee.

**Article 6. The Right To Propose a Draft Law.**

The procurator general has the right to propose a draft law to the SPA Standing Committee. Incumbent also has the right to recommend a certain interpretation of a law if this is necessary for the uniform application of the law throughout the country.

**Article 7. The Appointment and the Responsibilities of Lower-Level Public Prosecutors.**

The public prosecutors of provinces, Vientiane Prefecture, and districts and military prosecutors are appointed and dismissed by the procurator general. These public prosecutors are responsible to and report on their activities to the procurator general and to public prosecutors superior to them. They take orders only from the procurator general and public prosecutors superior to them.

The term of the public prosecutors of provinces, municipalities, and districts is the same as that of the procurator general.

**Article 8. Consideration of Recommendations, Requests, and Complaints.**

Public prosecutors at all levels may consider recommendations, requests, and complaints presented by citizens and state and social organizations according to the time period called for by the law and may adopt measures necessary to redress violations of rights and defend the just rights of citizens and state and social organizations.

[30 Apr 90 p 2]

**[Text] Chapter II. Reviewing the Observance of the Law by Every Government Organization, Office, Enterprise or Other State or Social Organization and by Government Officials and Citizens (General Investigations)****Article 9. The Purpose of General Investigations.**

It is within the authority of the procurator general and the lower level prosecutors to review the observance of the law by ministries and state commissions, offices, enterprises and other state and social organizations, and by local administrative committees, government employees and citizens in order to assure that the actions taken by same are in compliance with the constitution, the laws and decrees of the Council of Ministers and to assure that the observance of the law by government employees and citizens is correct and uniform.

**Article 10. Public Prosecutors at all Levels Are Empowered To Conduct General Investigation as Follows:**

1. To examine the resolutions, orders and actions of ministries and state commissions, offices, enterprises and other state and social organizations, and of local administrative committees and government employees to see if these actions are in compliance with the law.

2. To examine the resolutions and orders of state ministers and committee chairmen, heads of offices, enterprises and other state and social organizations, chairmen of local administrative committees and government employees linked to law violations in order to double check the operations of these offices, enterprises, organizations and government employees under the authority of same. In conducting these reviews the public prosecutors have the authority to use experts to clarify any problem.

3. To investigate the observance of the law by every state organization, office, enterprise and state-and social organization, local administrative committee and government employee in response to any request or complaint made by citizens.

4. To summon all persons involved to explain law violations.

5. To object to resolutions, orders and actions of ministries or state commissions, offices, enterprises or other state and social organizations or local administrative committees which are not in compliance with the law as well as to object to illegal actions by government employees against these organizations or against the upper echelon organizations concerned. Objections of the public prosecutors must be considered within 30 days of the day on which the objection is received.

6. To make recommendations to state and social organizations concerning eliminating serious violations of the law and conditions leading to same.

**Article 11. The Obligation To Comply With the Actions Taken by the Public Prosecutor.**

The decrees, orders and recommendations of all levels of public prosecutors within their areas of authority must be complied with by every state- and social organization and by government employees and citizens.

[1 May 90 p 2]

**[Text] Chapter III. Reviewing the Observance of the Law by Investigative Agencies****Article 12. The Purpose of Reviewing the Observance of the Law by Investigative Agencies.**

The procurator general and the low-level prosecutors conduct reviews of the observance of the law by investigative agencies in order to:

1. Discover every offense which has been committed and to ensure that the offenders do not escape punishment according to the law.

2. Ensure that no person is sentenced illegally for a criminal offense, is sentenced without evidence or is otherwise unlawfully deprived of rights.

3. Ensure that detention, arrest and imprisonment of offenders is done correctly according to the law and that arrest, detention and house searches without an order

from a prosecutor or a court are not done except when arrests and searches occur where the offense is of an immediate and serious nature.

**4. Ensure that investigative agencies strictly adhere to the rules for the conduct of criminal cases.**

**Article 13. The Powers of the Public Prosecutor in Reviewing the Observance of the Law by Investigative Agencies.**

In reviewing the observance of the law by investigative agencies, prosecutors at all echelons have the following powers:

1. To examine the various files, documents and data of investigative agencies concerning criminal cases for the purpose of review.

2. To join in the investigation of criminal cases or when necessary to conduct such investigations alone.

3. To rescind illegal orders or orders issued without basis by investigative agencies.

4. To give written guidance concerning criminal investigations, crime prevention, observance of investigative procedures and searches for offenders.

5. To issue orders for arrests, imprisonment, transport and house searches in cases involving offenses not of an immediate or serious nature and to give orders for temporary releases.

6. To extend the time limit for investigations and prison terms as called for by the Law of Criminal Procedure.

7. To send case files back to investigative agencies with recommendations concerning investigations.

8. To order investigators who have violated the law in the conduct of a case to halt their investigations.

9. To open an investigation to clarify a case, to stop conduct of a case, to bring charges and to order case files to the court.

Any order or recommendation issued by any public prosecutor at any level which conforms to the regulations for conduct of criminal cases must be complied with by all investigative agencies.

**[2 May 90 p 2]**

**[Text] Chapter IV. Reviewing the Observance of the Law in the Conduct of a Trial and in Carrying Out Court Decisions**

**Article 14. The Purpose of Reviewing the Observance of the Law in the Conduct of Trials and Carrying Out Court Decisions.**

The procurator general and the lower level prosecutors review the observance of the law by the courts so that cases are dealt with carefully, thoroughly and objectively and so that the decisions and judgments of the courts are

correct according to the law, rational and carried out correctly at the appropriate time.

**Article 15. The Powers of Public Prosecutors in Reviewing the Observance of the Law in Trials.**

In reviewing the observance of the law in trials all public prosecutors have the power to:

1. Bring charges in civil cases as specified by law in order to protect the interests of the state and society.

2. Take part in criminal and civil trials at court and express opinions to the court.

3. Direct People's Courts at incumbent's level and lower to turn over case files to incumbent.

4. Object to People's Court decisions or judgments that are not yet final at their level or lower which they perceive to be legally incorrect or without basis.

5. Object to final decisions, judgments or verdicts of people's courts at their level or lower according to appellate court procedures and recommend against carrying out the court's decision.

6. Object to decisions or verdicts in civil cases when called for by law.

7. Withdraw one's own objection prior to judgment.

8. Reopen cases when new conditions or evidence is found.

**Article 16. The Powers of the Public Prosecutors To Review the Carrying Out of Court Verdicts.**

In reviewing the carrying out of court verdicts all prosecutors have the power to:

1. Have cadres carry out court verdicts.

—report on the carrying out of the court's verdicts or decisions.

—carry out a final decision or verdict of the court which had not been carried out.

2. Change, rescind or stop any actions that are incorrect pursuant to court verdicts or decisions.

**Article 17. Participating in Judges' Conferences and Meetings of the Court Presidium.**

The procurator general participates in judges' conferences and court presidium meetings of the People's Supreme Court in order to consider if the interpretations of the laws in considering cases are correct and uniform throughout the country.

If the incumbent sees that judges' conference resolutions are not consistent with the law, the procurator general will report to the Standing Committee of the Supreme People's Assembly.

Public prosecutors of provinces and Vientiane Prefecture participate in presidium conferences of provincial and Vientiane Prefectural people's courts.

[3 May 90 p 2]

**[Text] Chapter V. Reviewing the Observance of the Law in Detention and Confinement Facilities While Sentences of Imprisonment and Other Measures Ordered by the Court Are Being Carried Out**

Article 18. The Purpose of Reviewing the Observance of the Law in Detention and Confinement Facilities While Sentences of Imprisonment and Other Measures Ordered by the Court Are Being Carried Out.

The observance of the law in detention and confinement facilities while sentences of imprisonment and other measures ordered by the court are being carried out assures that the detention and imprisonment are carried out correctly according to the law and that the orders for and conditions of detention, confinement, and other measures ordered by the court are respected.

Article 19. The Powers of the Public Prosecutors in Reviewing the Observance of the Law in Detention and Confinement Facilities and While Carrying Out Sentences of Imprisonment and Other Measures Ordered by the Court.

In reviewing the observance of the law in detention and confinement facilities, and while carrying out sentences of imprisonment and other measures ordered by the court, all public prosecutors have the power to:

1. Inspect detention and confinement facilities, reform camps and facilities for carrying out other measures ordered by the courts regularly or at any time.
2. Inspect documents concerning detention, arrests, imprisonments and reform and inspect the carrying out of other measures ordered by the courts.
3. Order the release at any time of any detainee, arrestee or person undergoing reform or other measures ordered by the courts illegally.
4. Question any detainee, arrestee, prisoner or person undergoing reform or other measures ordered by the court.
5. Investigate the actions of officials toward persons detained, arrested, imprisoned or undergoing reform or other measures ordered by the courts.
6. Investigate the orders of the responsible committees for prison camps and reform camps to assure that these orders are in compliance with the law and to have these committees explain any violations of the law.

Article 20. The Obligations of the Responsible Committees of Prison and Reform Camps To Forward the Recommendations, Petitions, and Complaints of Offenders to the Public Prosecutor.

The recommendations, petitions and complaints of offenders sent to public prosecutors must be forwarded by the responsible committees of prison and reform camps to the prosecutors within seven days of receipt.

The responsible committees of the prison and reform camps must proceed according to the orders of the public prosecutors concerning respect for regulations on imprisonment and reform as called for by the law.

[4 May 90 p 2]

**[Text] Chapter VI. The Structure and Support Staff of the LPDR Public Prosecutors' Office**

Article 21. The Structure of the LPDR Public Prosecutors' Office.

The structure of the public prosecutors' office consists of the procurator general's office, the provincial and Vientiane Prefectural prosecutors' office, the district prosecutors' office and the military prosecutors' office.

The structure and operations of the military prosecutors' office is noted in special provisions.

Article 22. The Powers of the Procurator General for Appointing and Guiding the Public Prosecutors:

1. To guide the LPDR public prosecutors' office and to direct and investigate the work of this office.
2. To appoint and dismiss local prosecutors, investigators and support cadres of the LPDR public prosecutors office.
3. To assure that policies are carried out, that discipline is maintained and that operations of cadres proceed.
4. To honor outstanding cadres and to discipline cadres who violate the rules of the state and the rules for work.
5. To give opinions concerning the conduct of criminal cases in which public prosecutors are accused.

Article 23. The Procurator General's Office and the Local Public Prosecutors' Office Consist of the Procurator General and the Deputy Procurators General, Investigators, and a Number of Other Cadres.

The procurator general's office has a responsible committee which consists of the procurator general as chief, the deputy procurators general and a number of the leadership cadres.

The responsible committee of the procurator general's office is selected by the Standing Committee of the Supreme People's Assembly upon the recommendation of the procurator general.

The responsible committee of the procurator general's office assures the conduct of the operations of the public prosecutors office.

A decision of the responsible committee is put into effect with an order from the procurator general.

Given disagreement between the prosecutor general and the committee, the prosecutor general may proceed according to his/her view but must report this disagreement to the Standing Committee of the Supreme People's Assembly. Members of the responsible committee may report their views to the Standing Committee.

The provincial and Vientiane Prefectural public prosecutors' offices consist of the public prosecutors, the deputy public prosecutors and the investigators.

The district public prosecutors' office consists of the public prosecutor, the deputy public prosecutor and might include investigators.

The LPDR public prosecutors' office also includes a support staff.

**Article 24. The Support Staff for the Procurator General's Office and the Local Public Prosecutors' Office.**

The procurator general's office has a support staff.

The support staff and the number of procurator general's office cadres providing the support are selected by the SPA Standing Committee upon the recommendation of the procurator general.

The support staff and the number of local public prosecutors' office cadres are set and selected by the procurator general upon the recommendations of the local public prosecutors.

Article 25. Standards for the Cadres of the LPDR Public Prosecutors' Office.

Cadres appointed to the positions of public prosecutor or investigators will have been trained in legal or paralegal studies, have good character, capable, sincere, and 25 years of age or more. Investigators must be 21 years old or more.

**Article 26. The Budget of the Public Prosecutors' Office.**

The public prosecutors' office budget comes from central government funds.

The salary levels for the procurator general, deputy procurators general, the public prosecutors, deputy public prosecutors, investigators, and other cadres of the office shall be in accordance with the general pay schedule for other cadres.

**Article 27. The Seals of the Procurator General's Office and the Public Prosecutors' Office.**

The procurator general's office, the provincial and Vientiane Prefectural public prosecutors' office, the district public prosecutors' office and the military public prosecutors' office use a stamp which consists of the national symbol and the name of their particular office.

These laws were voted and endorsed at the Second Enlarged Plenary Session of the Supreme People's Assembly (the second) on 23 November 1989 at 1600 hours.

[5 May 90 p 2]

## Court Process, Defendant Rights

92S90014C Vientiane P.A.SASON in Lao 5-31 May 90

[The State and the Law column: "LPDR Law of Criminal Procedures"]

[Text]

### Section I. General Principles

#### Chapter I. Function and Principle of Criminal Procedure

##### Article 1. The Function of a Criminal Proceeding.

It is the function of a criminal proceeding to quickly bring to light any offense in its entirety, try the offender and assure that the provisions of the law are applied correctly - that the offender does not avoid punishment and that the innocent are not punished.

The purpose of conducting criminal trials is to expand the rule of law, eliminate crime, and educate the people to strictly observe and respect the law.

##### Article 2. When a Criminal Trial Is Necessary.

An investigator or public prosecutor who discovers evidence of a crime must initiate an investigation within his/her authority and apply the principles called for by law to bring to light the offense and the offender and send the latter to court for trial.

##### Article 3. Reasons for Ending a Criminal Proceeding.

Reasons an investigation is not opened or a criminal proceeding is not continued are:

1. A criminal offense did not occur.
2. There is no element of criminal wrongdoing.
3. The time limit for bringing criminal charges has expired.
4. There is an amnesty.
5. The offender is a child not yet of age for criminal responsibility.
6. An agreement is reached between the injured party and the accused that the offense does not represent a danger to society as pursuant to Article 22 of the criminal code.
7. No charges are brought by the injured party when it is necessary for charges to be brought by same as pursuant to Article 22 of the criminal code.
8. The offender dies.
9. A court issues a final order or decision concerning the case.

10. The charges are dropped by the injured party as pursuant to Article 22 of the criminal code.

##### Article 4. The Authority of the Court in Trying Cases.

Only a court has the authority to try a criminal case. No person will be considered to have committed a criminal act and be punished without a verdict by a court.

##### Article 5. The Independence of Judges and People's Assessors.

In trying cases judges and people's assessors must be independent with no outside interference except as allowed by law.

##### Article 6. Collective Deliberations of Cases.

Judges and people's assessors are elected as stipulated in the law on people's courts and they must try cases as a committee in court. The decision of the court is decided by majority vote.

People's assessors have authority equivalent to that of judges in dealing with problems related to trying cases and rendering verdicts.

For trying criminal cases in Courts of first instance there must be one judge and two people's assessors.

For trying criminal cases in Appeals Courts and Review Courts there must be three judges.

[7 May 90 p 2]

[Text] Article 7. Abstention.

Given personal interest in or involvement in a case, a judge, people's assessor, public prosecutor, interrogator, investigator, expert, or translator must withdraw from the case.

##### Article 8. Prohibitions Against Joining in Deliberations for the Second Time in the Same Case.

A judge or people's assessor involved in trying a case in a Court of first instance or an Appeals Court will not be permitted to try the same case in an Appeals Court or Review Court or in retrying the same case in a Court of first instance except as called for by law.

##### Article 9. The Language To Be Used in Court.

Lao must be used in court proceedings. A person joining in proceedings who does not know Lao has the right to use one's own language through an interpreter.

##### Article 10. The Open Investigation of Cases in Court Sessions.

The investigation of cases when court is in session must be done openly except in cases related to state secrets, offenses committed by persons under 16 and some offenses concerning spousal relations, family and traditions and customs.

The reading of court verdicts must be done openly.

**Article 11. Prohibitions of Violation of Civil Rights and Freedoms.**

No person will be arrested or confined without the order of a public prosecutor or court except for arrests made under urgent circumstances. In cases of illegal arrest or confinement in excess of that called for by law or sentence of the court, the public prosecutor must order the person's immediate release.

**Article 12. The Equality of all Citizens Before the Law and the Court.**

Criminal cases must be tried on the basis of the equality of all Lao citizens before the law and the court without regard to origin, economic and social status, nationality, ethnic group, language, gender, cultural level, profession, religion or residence etc.

**Article 13. Guarantee of Accused's Rights in Court Proceedings.**

The court, public prosecutor and investigators and officials must in court proceedings ensure the protection of the rights of the accused as called for by the law in order.

**Article 14. Cases Must Be Tried Thoroughly and Objectively.**

The court, public prosecutors and investigators and officials must observe principles of law so that cases are tried completely and objectively; that evidence which implicates or exonerates is found and that aggravating or mitigating circumstances are studied.

In acquiring testimony from the accused and others involved in the case, the use of force, threat, violence or other illegal measures is prohibited.

[8 May 90 p 2]

**[Text] Chapter II. Evidence in Criminal Cases**

**Article 15. Evidence.**

This consists of facts which indicate whether there have been actions dangerous to society, the guilt of the persons who undertook the actions and other events useful for deciding the case correctly.

These facts are determined by the testimony given by witnesses, injured parties, suspects and the accused as well as by the opinions of experts, the physical evidence, the records from investigations and the work of the court and other documents related to the case.

**Article 16. Evaluating the Evidence.**

The court, the public prosecutor and investigators and officials must evaluate the evidence on the basis of their convictions and a thorough and objective trial.

**Section II. Rights and Obligations of Participants in a Criminal Trial**

**Article 17. Participants in a criminal trial.**

These include:

1. The accused or the defendant.
2. The injured party.
3. The civil plaintiffs.
4. Civilly liable parties.
5. Witnesses.
6. Experts.
7. Translators.
8. Parties to the defense

**Article 18. Rights and Obligations of the Accused or the Defendant.**

The accused is the one whose case is opened with the order to begin an investigation by investigators or public prosecutors.

An accused who is charged is called the defendant.

An accused who is sentenced to punishment is called the prisoner.

The accused or the defendant has the following rights:

1. To be informed of and respond to the charges.
2. To give evidence.
3. To petition.
4. To examine all documents in the case file after the investigation and interrogation is finished.
5. To bring counsel to contest the case.
6. To join in the examination of the case in the court of first instance.
7. To present objections against judges, people's assessors, public prosecutors, investigators or officials, experts and translators.
8. To present complaints about incorrect acts and orders of investigators or interrogators, public prosecutors and the court.
9. To make the final statement during court proceedings.
10. To request the rescinding of orders given by investigators or interrogators or public prosecutors or orders, decisions or judgments by the court.

The accused or the defendant has the following obligations:

1. To present self on the orders of investigators or interrogators, public prosecutors or the court.
2. To explain or give testimony concerning the charges.
3. To observe the regulations and orders of the court during court proceedings.

**Article 19. Rights and Obligations of the Injured Party.**

The injured party is one who suffers with regard to health, material possessions or mental capacities from the offenses of another.

The injured party has the following rights:

1. To give testimony concerning the case.
2. To present evidence.
3. To petition.
4. To examine all documents in the case file after the investigation and interrogation are finished.
5. To join in the examination of the case at court.
6. To present objections against judges, people's assessors, public prosecutors, investigators or officials, experts or translators.
7. To present complaints about incorrect acts and orders of investigators or interrogators, public prosecutors or the court.

**[9 May 90 p 2]**

[Text] 8. To request the rescinding of orders given by investigators or interrogators or public prosecutors, or the orders, decisions or verdicts of the court.

9. To agree to mediation with the accused in cases where the offense does not present a danger to society.

10. To have counsel handle the case.

11. To drop charges.

If the injured party dies, close relatives may exercise the rights specified in these articles.

The injured party has the following obligations:

1. To present self on the orders of investigators or interrogators, public prosecutors and the court.
2. To assume responsibility for false testimony or the refusal to give testimony.

**Article 20. The Rights and Obligations of Civil Plaintiffs.**

Civil plaintiffs are persons who have suffered injury to health, property or mental capacities and who have

brought civil charges against the accused or those civilly responsible in order to gain compensation.

Civil plaintiffs have the same rights and obligations as injured parties as pursuant to Article 19.

**Article 21. The Rights and Obligations of Those Civilly Responsible.**

Those civilly responsible in a criminal case might be parents, foster parents, guardians, offices or enterprises, or organizations materially responsible for the losses caused by the offenses of the accused.

Those civilly responsible have the following rights:

1. To redress the charges.
2. To give an explanation in response to the charges.
3. To give evidence.
4. To petition.
5. To examine all documents in the case file after the investigation and interrogation are finished.
6. To join in the examination of the case in court.
7. To present objections against judges, arbitrators, public prosecutors, investigators or officials, experts or translators.
8. To complain about incorrect actions or orders of investigators or interrogators, public prosecutors or the court.
9. To request the rescinding of orders given by investigators or interrogators or public prosecutors, or the orders, decisions or verdicts of the court.
10. To have counsel handle the case.

Those civilly responsible have the same obligations as the injured party as pursuant to Article 19.

**Article 22. The Rights and Obligations of Witnesses.**

A witness is one who has knowledge concerning a case.

Persons who are deaf, dumb, mentally impaired or are related to those charged may give testimony but may not be considered witnesses.

Witnesses have the following rights:

1. To give testimony.
2. To examine the record of testimony during investigation and interrogation.
3. To alter or expand the record of their own testimony.
4. To complain about incorrect actions and orders of investigators or interrogators, public prosecutors or the court.

**Witnesses have the same obligations as the injured party as pursuant to Article 19.**

#### **Article 23. Experts.**

Experts are those who have any professional knowledge which might clarify any problem.

In order to verify evidence, investigators or interrogators, public prosecutors or the court must order the appointment of experts.

Experts must verify the evidence within their area of expertise as pursuant to the order.

Experts provide opinions in their own name and are responsible for these opinions.

#### **Article 24. Translators.**

Translators are those who are able to translate the language of persons in legal proceedings who do not know Lao.

Translators must be responsible for their translations.

#### **Article 25. The Rights and Obligations of Counsel.**

Counsel is one who enters proceedings to defend the rights and interests of the accused, the defendant, the injured party, the plaintiff or those civilly responsible.

Counsel may be a lawyer, the representative of a trade union or some other social organization, spouse or close relative.

An accused who is a minor, deaf and dumb, mentally deficient, does not know the Lao language or who faces a death sentence must have counsel.

Counsel may join in a case after there has been an order to open an investigation.

Counsel has the following rights:

1. To meet with the accused.
2. To examine all documents in a case file and copy same when necessary.
3. To provide evidence.
4. To petition.
5. To join in the examination of the case in court.
6. To present objections against judges, arbitrators, public prosecutors, investigators or officials, experts and translators.
7. To complain about incorrect actions and orders of investigators or interrogators, public prosecutors or the court.
8. To request the rescinding of orders given by investigators or interrogators or public prosecutors, or the orders, decisions or verdicts of the court.

Counsel has the following obligations:

1. To use every defense procedure called for by the law for defending the rights and interests of one's client.
2. To provide legal assistance for one's client.

### **Section III. Investigation of a Criminal Case**

#### **Chapter I. Initiating the Investigation**

##### **Article 26. Reasons and Basis for Initiating a Criminal Investigation**

These are:

1. Charges or reports by citizens, offices, enterprises, organizations or interrogators concerning an offense. These charges or reports are to be given or reported to investigators or public prosecutors.
2. The surrender of the offender.
3. The discovery of evidence of a crime by an investigative or agency, public prosecutor or the court.

A criminal investigation may be initiated only when there is sufficient basis to indicate an element of a crime.

##### **Article 27. The Order To Initiate a Criminal Investigation.**

When there is sufficient basis to initiate a criminal investigation, an investigator or public prosecutor must issue an order to initiate an investigation within his/her authority. The order must state the day, time and place it was issued, the name, surname and position of the person issuing it and of the investigator, the basis for initiating the investigation, the location of the crime, and the article of the criminal code involved.

If an investigator issues the order to initiate the investigation, a copy of the order must be sent to a public prosecutor immediately.

If there is not sufficient basis to open an investigation or if there is some reason to drop the case, an investigator or public prosecutor must issue an order not to initiate an investigation and report this order to so inform the person, enterprise or organization charged or reported.

An order not to initiate an investigation made by an investigator may be rescinded by a public prosecutor and such an order made by a public prosecutor may be rescinded by a higher level public prosecutor if done within 7 days of receiving the order.

##### **Article 28. Review by a Public Prosecutor of the Initiation of an Investigation.**

It is the duty of a public prosecutor to review the observance of the law in the initiation of a criminal investigation.

If an investigator issues an order to initiate an investigation without a legal basis as pursuant to Article 26, the public prosecutor must issue an order rescinding or stopping the order.

If an investigator fails to initiate an investigation without sufficient reason, a public prosecutor must issue the order to initiate the investigation him/herself.

[11 May 90 p 2]

[Text] Article 29. Investigative Agencies.

The investigative agencies include:

1. Police
2. Military
3. Customs
4. Forestry.

Article 30. The Powers and Duties of the Investigative Agencies.

These are:

1. To receive and record reports concerning crimes.
2. To report to public prosecutors concerning crimes.
3. To issue orders initiating investigations and to send a copy of the order to a public prosecutor immediately.
4. To conduct investigations.
5. To take preventive action as called for by the law.
6. To recommend rescinding the orders of public prosecutors to public prosecutors at a higher level.
7. To summarize an investigation and prepare the files for transmission to a public prosecutor.

In using these powers, the investigative agencies must stay within the authority specified for their sector.

Article 31. Conducting Investigations.

After an offense has been reported or evidence of same has been found, investigators must report this to a public prosecutor within 24 hours. If deemed to be an important case, it must be reported immediately.

If the offense requires an urgent investigation, investigators must issue an order to initiate same in accordance with Article 27. In addition these officials must implement investigative and preventive actions as called for by law. When the investigation is ended, if it appears that the case should be abandoned or stopped, investigators must issue an order to do same and report this to the public prosecutor. If it appears that there is sufficient evidence that the accused committed an offense, the investigators must send a summary of the investigation together with the case files and the evidence to the public prosecutor.

Article 32. Investigation Time Limits.

Investigators must conduct the investigation, summarize it and assemble the case files and the evidence and send

it to the public prosecutor within two months of the initiation of the investigation at the latest.

If the time period for an investigation is about to end and it is necessary to continue it, the public prosecutor may extend the time period for two months at a time at the request of the investigative agency.

If the case files are returned to the investigative agency to conduct a further investigation, the time period for further investigation may not exceed two months starting when the investigative agency receives the case files. If a case is reopened which had been stopped or abandoned, the investigation will be allowed the time period mentioned in paragraphs one and two of this article starting with the reopening of the case.

If an extension for the time period of an investigation is granted or not granted, the public prosecutor must issue an order in writing together with the reasons.

[14 May 90 p 3]

[Text] Chapter III. The Regulations for Investigations

Article 33. Taking Depositions.

Taking the depositions of the accused:

Investigators and interrogators must take the depositions of the accused immediately after the initiation of the investigation. If it is not possible to get the depositions immediately, a record must be made of this together with the reasons.

The depositions of the accused should be taken at the office of the investigative agency or investigators. If it is necessary the depositions may be taken at the house of the accused or at some other location.

At the beginning of the session for taking depositions the investigators or interrogators must state the charges and the rights and obligations of those involved.

Taking the depositions of witnesses, injured parties, civil plaintiffs and those civilly responsible:

Investigators and interrogators must inform those involved of their rights and obligations and warn them of their responsibility for their depositions or refusal to give depositions.

Investigators and interrogators must be accompanied by recording clerks when taking depositions.

Article 34. Taking Depositions of Children Not Yet of Age, the Deaf and Dumb, and the Mentally Impaired.

In taking depositions of children not yet of age, the deaf and dumb or the mentally impaired who are not able to exercise their rights, counsel, teachers, parents, guardians or some other representative must be present.

**Article 35. Records of Depositions.**

**Each time a deposition is taken, investigators or interrogators must make a record of it.**

**Deposition records must state:** the location, date, time, name and position of the investigating official or cadre, the name and personal history of the person testifying etc. This must be stated on the form.

After a deposition has been given, investigators or interrogators must read the record of the deposition back to the person who gave it or let that person read it. Then all those involved must sign or affix a thumb print on each page.

Investigators or interrogators, the recorder and the person testifying must sign to certify the changes at the place where the deletions or additions are made.

If the person testifying is not willing to sign or affix a thumb print to the record, the investigator or interrogator must note this at the end of the record.

The record of the depositions must be made in duplicate. The first copy is to be kept in the case file, and the second copy is to be kept by the investigator or interrogator.

**Article 36. Interrogating People Together.**

If there is a contradiction in depositions, investigators or interrogators may interrogate those testifying together but they may not interrogate more than two together. The record of this interrogation must be made according to Article 35.

**Article 37. The Examination of the Scene of the Event.**

In order to find indications of a offense and physical evidence indicating the nature of the offense, the investigators or interrogators must inspect the scene of the event and the physical evidence and documents.

This inspection may take place before the initiation of the investigation.

The inspection of the scene should be conducted in daytime except when there are necessary and urgent reasons to do otherwise.

**[15 May 90 p 2]**

**[Text] During the inspection of the scene there must be at least two witnesses.**

Investigators or interrogators have the authority to bring the accused or suspects, to summon the injured party and witnesses and to invite professionals to participate in inspecting the scene of the events.

In so doing, the investigators or interrogators must draw a diagram of the scene and collect clues, and they may take pictures also.

**Article 38. Inspecting a Corpse.**

Investigators or interrogators must inspect corpses at the scene of the events with at least two witnesses. A doctor or other professional may also participate.

**Article 39. Records of Inspections.**

In inspecting the scene of an event or a corpse, the investigators or interrogators must make a record which states: the place, date, time of the beginning and end of the inspection, name, address, profession, and position of the investigator, interrogator, or any other person participating in the inspection, everything which is observed or happens at the time and everything which is taken into custody.

After the record has been made and read back, every person involved in the inspection must sign it.

**Article 40. Appointing Experts To Conduct Examinations.**

If it appears necessary to conduct an examination, especially if there has been a death from unknown causes or there are doubts about an accused's age and mental state, investigators or interrogators must issue an order appointing an expert to conduct an examination.

This order must state: the name of the expert or the organization, issues or materials to be examined, the time of the examination, the authority and obligations of those involved and warnings about the responsibilities of those conducting the examinations.

Investigators or interrogators must inform the accused, the injured party, civil plaintiffs and those civilly responsible of these orders.

After the examination, the expert must make a summary of findings and give it to the investigators or interrogators within the time allotted.

Multiple examinations by experts are allowed.

**Article 41. Searches.**

Searches may be conducted only with a written order from a public prosecutor or court except when there is urgent necessity. In this case a search must be reported to a public prosecutor within four hours after the end of the search.

Before and after the search, the searchers must demonstrate goodwill to the owner of the place searched.

**Building searches:**

The search of a house must be done in the presence of village-level administrative authorities, the owner of the house and at least two witnesses. The search of an office, organization or enterprise must be done in the presence of a representative of same.

The search of a temple must be done in the presence of the abbot.

The search of a house must be done between 0600 and 1800 hours.

If a search is underway but incomplete, it may continue until it is complete.

Items and documents may be confiscated as evidence only if they are related to or have been used in a offense or are illegal.

#### Searching an individual:

The search of an individual who has been arrested, confined or is suspected of concealing various items may be done without an order.

The official performing the search must be of the same sex as the person searched.

The search of females must be done in an area providing privacy.

#### The records of a search:

When the search of a house or an individual is completed, officials performing same must record it and list the evidence in detail as to description, number and quality.

Two copies of this record must be made and read to those involved. Then they must sign it as evidence. One copy is to go in the case file, and one copy is to be given to the owner of the house, representative of the office, organization or enterprise or to the individual searched.

#### Article 42. Confiscation and Impoundment.

If there is certain knowledge of the type, number and location of items which are related to and could be used in a legal proceeding, investigators or interrogators must issue an order for this to be seized. If there are items which can not be moved, an order must be given for their impoundment.

The procedures to be followed for confiscation and impoundment and recording of same are described in Article 41.

#### [16 May 90 p 2]

#### [Text] Article 43. Safeguarding Evidence.

Evidence which is physical property must be packaged, stored, stamped, and kept in good shape.

Evidence which is money, foreign currency, checks, other bank notes or valuable items must be kept in a bank.

The use of evidence or the loss or destruction of evidence will be dealt with according to Article 157.

#### Article 44. Reexamination of Data.

In order to verify the validity of all data, investigators or interrogators can test them again. In so, they may take pictures, measurements or draw diagrams.

This rechecking of data may be done when it does not present a danger to life or the environment or affect human dignity.

In this reexamination, there must be at least two witnesses present. Suspects, the accused, witnesses and the injured party may also be present. If necessary experts may also participate.

Records of this reexamination must be kept according to Article 41.

#### Article 45. Identification and Confirmation.

When necessary, investigators or interrogators may have witnesses, the injured party, suspects or the accused identify persons, items or corpses.

Before doing so, the party identifying persons, items or corpses must give depositions concerning circumstances, descriptions and various details of the individuals or items.

In identifications, the person to be identified must be grouped with at least three others of similar appearance.

When identifying items, the items to be identified must be placed with at least three other items of similar appearance.

Records of identifications must be kept according to Article 41.

#### [17 May 90 p 2]

#### [Text] Chapter IV. Preventive Measures

#### Article 46. Detention.

After a suspect has been found and if it is necessary, investigators or interrogators may detain this person for three days in order to conduct an investigation. They must report this to a public prosecutor within 24 hours of the detention.

Within these three days, investigators or interrogators must get depositions from the detainee and make the following decisions:

1. If they find no basis for issuing an order for an investigation, the investigators or interrogators must release the detainee and report this to the public prosecutor immediately.

2. If they find that there is reason for issuing an order for an investigation and if it is deemed necessary to confine the suspect temporarily, investigators must issue an order to investigate and request an order from a public prosecutor to temporarily confine the suspect. Investigators

must request an order to initiate an investigation and an order to temporarily imprison the suspect from a public prosecutor.

After receiving the request for an order of temporary imprisonment, the public prosecutor must make a decision to release or temporarily imprison the suspect within 24 hours.

#### Article 47. Arrests.

A written order from a public prosecutor or court is required for an arrest except when the offense is of an immediate or urgent nature.

Before issuing the arrest order the public prosecutor or court must verify the following:

1. The action must have been a criminal offense for which the law specifies a sentence of imprisonment.

2. The evidence must be substantial.

There are other conditions: the suspect might flee, destroy evidence, harm the injured party or witnesses, commit other offenses or be harmed by the injured party or someone else.

If a monk or a novice is arrested, his abbot must be informed so that he can refer to his regulations.

In an ordinary arrest, the person being arrested must be informed of the order and the reason for the arrest.

Investigators must report every arrest to the public prosecutor within 24 hours, and they must take depositions of the arrestee within 48 hours and make a decision whether to release or confine the arrestee temporarily.

When this decision is made, investigators or interrogators must request an order for such action from a public prosecutor.

After receiving the recommendation to release or confine temporarily, the public prosecutor must decide within 24 hours which action to take.

If an investigator did not make the arrest, the arrestee must be taken to an investigator immediately. If the arrest is made in a remote area, the arrestee is to be on the way to an investigator on the day of the arrest.

Arrests must be made in a manner appropriate for the offense and the person arrested.

It is forbidden to hit or maltreat an arrested person.

Regardless of the circumstances of the arrest, the family, office, organization or enterprise to which the arrested person belonged must be notified within 48 hours. The confinement center must be informed also if it is seen that there is no problem in proceeding with the case.

#### [18 May 90 p 2]

[Text] Article 48. Arrests Under Immediate and Urgent Conditions.

When there is an arrest made under these conditions, an order from a public prosecutor or court is not needed.

Persons may be arrested under these conditions as noted here:

1. Those in the act of committing or concluding an offense.
2. Those who have committed offenses and are being pursued, were seen committing the offense or were identified by the injured party.
3. Those who have indications of an offense on their persons or were in the house of the person involved at the time when the offense took place.

Persons to be arrested are:

1. Those suspected of committing offenses whose record is not clean or of no fixed address.
2. Persons suspected of committing offenses who are fleeing.

#### Article 49. Arrest Records.

No matter what the circumstances of the arrest are, a record must be made of it to serve as evidence.

The arrest record must state the name, rank, position, duties and assigned location of the investigator together with the name, age, profession, rank, position, duties and location of the person arrested. It must also state the date, time and location of the arrest as well as the accusations and the basis for the arrest.

The arrest record must clearly state the items taken as evidence and the personal possessions of the person arrested.

#### Article 50. Temporary Confinement.

Temporary confinement requires an order from a public prosecutor or court and must proceed according to the conditions pursuant to Article 47.

The period of temporary confinement may not exceed three months from the date the order is issued. If it is deemed necessary, the public prosecutor may extend the period for three months each time, but the total period for temporary confinement may not exceed one year. If this limit is reached and there is still not sufficient evidence to bring charges in court, the public prosecutor must issue an order freeing the accused person immediately.

#### Article 51. Temporary Release.

A temporary release requires the order of a public prosecutor or court.

While a trial is underway, the public prosecutor or court may release a person temporarily at the request of the accused or the defendant, the releasee's organization, representative or family.

Temporary release depends on the following conditions: it is thought that the accused or the defendant will not flee, will not destroy evidence, will not commit further offenses, will not mistreat the injured party or witnesses and will not be mistreated by others.

A suitable bond may be required for a temporary release at the request of the accused or the defendant, representative or family.

#### Article 52. Bench Warrants

If suspects, the accused, defendants, witnesses, civil plaintiffs or those civilly responsible do not present themselves as requested and for no reason, investigators or interrogators, public prosecutors or the court may issue orders that these persons be brought in.

#### Article 53. Detention in Place.

Suspects, the accused or defendants may be detained in place; they may not leave a residence or location without the permission of investigators or interrogators, a public prosecutor or a court.

Detention in place requires an order from an investigator or interrogator, a public prosecutor or a court.

If the suspect, accused or defendant violates the rules of detention in place, more stringent measures for detention may be applied.

#### Article 54. Suspension From Duties.

Suspects, the accused or defendants may be suspended from duties or positions during a case when it appears that their offenses are related to their duties or positions and it would not be appropriate for them to continue.

The suspension from duties or a position requires an order from a public prosecutor or the court.

### [19 May 90 p 2]

#### [Text] Chapter V. Stopping or Abandoning a Case

##### Article 55. The Basis for Stopping a Case.

A case will be stopped under the following conditions:

1. The accused avoids prosecution, accused's location is not known or the evidence is still not substantial.
2. There is a doctor's certification that the accused is seriously ill or insane.
3. It is impossible to determine a perpetrator's identity.

Stopping a case for the reasons stated in 1 and 3 is possible on expiration of the statute of limitations.

If a case is stopped, investigators, interrogators or a public prosecutor must issue an order for this. If the case is being handled by an investigator or interrogator, a copy of this order must be sent to a public prosecutor immediately.

If a case is stopped for the reasons stated in 2, investigators, interrogators or public prosecutors must issue an order sending the accused for treatment.

Criminal cases which are stopped will be abandoned upon expiration of the statute of limitations.

##### Article 56. Reopening a Case Which Has Been Stopped.

If the basis for stopping a case ends prior to the expiration of the statute of limitations, the investigators, interrogators or the public prosecutor must issue an order to reopen the case.

##### Article 57. The Basis for Abandoning a Case.

A criminal case will be abandoned when:

1. Conditions specified in Article 3 obtain.
2. There is insufficient evidence to charge the accused.

If a case is abandoned, the public prosecutor must issue an order releasing the accused immediately. Investigators, interrogators or the public prosecutor must also return evidence belonging to the accused and personal effects immediately.

##### Article 58. Reopening a Case Which Had Been Abandoned.

If a case has been abandoned because of lack of evidence or insufficient evidence, a public prosecutor has the authority to issue an order rescinding the order to abandon issued by investigators or interrogators and then to issue an order to reopen the case.

A case which has been abandoned may only be reopened before the expiration of the statute of limitations.

### [22 May 90 p 2]

#### [Text] Chapter VI. The Review of Investigations by Public Prosecutors

##### Article 59. The Obligations and Authority of Public Prosecutors in Reviewing Investigations.

In reviewing investigations public prosecutors have the following obligations:

1. To charge offenders, to apply measures to prevent offenders from escaping from an investigation and to prevent offenders from avoiding punishment.
2. Strict control so the innocent are not charged.
3. To review the observance of the regulations for investigations.
4. To prevent illegal arrests.

To fulfill these obligations public prosecutors have the following authority:

1. To make written recommendations concerning investigations, preventive measures, evaluation of offenses, to carry out investigations and apprehension of offenders.
2. To examine the case files, documents and information concerning offenses compiled by the investigative agencies for the purpose of review.
3. Participate in investigation of criminal cases and when necessary to conduct their own investigations.
4. To send case files to investigative agencies together with written recommendations for conducting further investigations.
5. To rescind orders of investigative agencies or interrogators which are illegal or without basis.
6. To order investigators or interrogators who have violated the law while working on a case to stop their investigation.
7. To initiate an investigation, to stop or abandon a case, and to bring charges in court.
8. To permit counsel to join in a case after there is an order to initiate an investigation according to regulations specified in Article 25.

**Article 60. The Opinion of Public Prosecutors Concerning Cases Sent by Investigative Agencies and Offices.**

A public prosecutor must examine the cases sent from investigative agencies or interrogators within not more than 10 days of receiving the case files and must issue an order as follows:

1. If the investigation is deemed not yet complete, the prosecutor must send the case file back to the investigative agency or interrogators together with written recommendations concerning further investigations.
2. If it is deemed there is a reason specified in Article 55, the prosecutor must issue an order stopping the case.
3. If it is deemed that there is the basis specified in Article 57, he/she must issue an order abandoning the case.
4. If he/she deems the confinement set by investigators or interrogators to be inappropriate for the conditions of the case, he/she has the authority to change or abolish this. He/she may also apply those measures.
5. If he/she thinks there is sufficient basis to send the case to court, an order to bring charges in court must be issued.

[23 May 90 p 2]

[Text]

**Section IV. Trying a Case in Court of First Instance**

**Article 61. Accepting a Case for Consideration.**

A court may accept a case for consideration only when a public prosecutor issues an order to bring charges. Then the court must consider the case within 1 month of the day that it receives the case files from the public prosecutor.

**Article 62. In the Preparatory Stage of Case After Receiving the Case Files From the Public Prosecutor, the Court Chairperson Must Appoint a Court Committee for Preparation Consisting of One Judge and Two People's Assessors.**

The court committee for preparation must agree on the following:

1. To issue an order to send the case files to a court with jurisdiction if it sees that it does not have jurisdiction.
2. To issue an order to send the case files back to the public prosecutor for further investigation if it sees that the investigation of the investigators, interrogators or the public prosecutor is not complete.
3. To issue an order to send the case files back to the public prosecutor to change the charges or increase the charges if it sees that the charges brought by the public prosecutor are not appropriate for the actions committed, that there are other offenses involved or that there are other persons involved who have not been charged.
4. To issue an order abandoning a case.

The public prosecutor or civil plaintiff has the authority to contest or request the rescinding of an order to abandon a case in Appeals Court within seven days of receiving the order.

5. To issue an order accepting a case for consideration in court if it sees that the investigation has been done properly and completely.

This order must specify those who must take part in the case and the date, time and location of the court. The defendant and others taking part must be informed at least three days before the court date.

**Article 63. Examining a Case in Court of First Instance.**

The examination of the case in court of first instance must be done directly, verbally and openly—in some cases in camera—continuously without changing cases.

The court chairperson has the duty of guiding the examination of a case in court.

After the court has been declared in session, the court chairperson must announce the names of the court

committee, the public prosecutor, the bailiff, the case to be considered, the right to present objections against the court committee, anyone on same, the public prosecutor, experts and translators. Chair must also announce the various rights of the parties to the case and participants in same. If there is a request to change the court committee, the court session must be stopped temporarily to come to a decision on this question.

Then the chair will ask for the personal history of the defendant and announce the public prosecutor's order and the charges.

The court committee will listen to the testimony of the defendant, those civilly responsible, civil plaintiffs, witnesses and participants.

While the case is being examined, the parties to the case and others involved, the court committee and the public prosecutor have the right to ask additional questions with the permission of the chair. The court committee then introduces all the evidence and the arguments begin.

When the arguments end, the court committee asks the public prosecutor to make a final statement. After the court committee has permitted the defendant to make the final statement, the court chair will announce the end of the court proceedings so that the court committee can deliberate on a draft decision in private chambers.

#### [24 May 90 p 2]

[Text] Article 64. Deciding on a Draft Verdict in Private Chambers.

In deciding on a verdict in private chambers, the court must deliberate carefully, rationally and correctly, based on the examination of the case in court session.

The decision reached in private chambers will be based on a majority vote with the people's assessors voting first and the chair voting last.

#### Article 65. The Reading of the Verdict in Court Session.

After a decision has been reached in private chambers, the chair and the court committee must read the verdict in open court and inform those present of the right to request that the verdict be appealed.

#### Article 66. Postponing and Stopping the Examination of a Case in Court.

The examination of a case in court may be postponed if it is necessary to consider new evidence or if some person involved in the case who is important for court considerations does not come to court, except in cases of a verdict in absentia.

The examination of a case in court may be stopped if the defendant becomes sick suddenly etc.

#### Article 67. Reaching a Verdict in Absentia.

If the defendant does not receive a summons to come to court, the verdict reached is in absentia. The defendant has the right to protest the verdict within 15 days of learning of it. If that occurs, the court must reconsider the case in the presence of those involved according to the rules for a court of first instance.

If the defendant receives a summons, but does not appear for no reason or if the offense was not serious, the defendant could ask the court to consider the case without his/her presence. The verdict will be considered to have been reached in his/her presence and he/she will not have the right to object. Defendant will only have the right to ask that the verdict be appealed.

#### [25 May 90 p 2]

[Text]

### Section V. Appeals Court Cases

#### Article 68. The Right To Appeal and Object to a Court Verdict.

The defendant, or counsel or representative of same have the right to appeal a verdict.

The public prosecutor must submit objections on every verdict which is not legally correct or does not have sufficient basis to the Appeals Court.

Civil plaintiffs, those civilly responsible and the representatives of those involved have the right to appeal only that part of the verdict concerning civil charges.

Appeals or objections to verdicts by the People's Supreme Court are not allowed.

#### Article 69. Time Period for Appeals or Objections to a Verdict of the Court.

The Appeals Court will accept cases only if there has been an appeal petition by the parties involved or an objection by a public prosecutor.

The parties involved have the right to appeal and the public prosecutor may raise an objection in a higher court within 15 days of the handing down of the verdict or learning of the verdict of a court of first instance.

#### Article 70. Appeals of or Objections to a Verdict.

In appeals of or objections to a verdict, the parties involved or the public prosecutor must present appeals or objections in the Appeals Court through the court which handed down the verdict. After the period for appeals or objections has ended, the court of first instance must within three days send the appeal or objection and the case files to the Appeals Court.

If an appeal or objection to a verdict is brought directly to the Appeals Court, three days after the end of the period allowed for appeals or objections, the Appeals Court must examine the case files from the court of first

instance and proceed. The Appeals Court must decide the case within two months of the day of receiving the case files.

If there is an appeal or an objection to a verdict, the court of first instance must inform the other party involved of this so that it can respond. If the defendant is imprisoned, he/she must be informed through prison officials.

Before consideration of a case begins in the Appeals Court, the parties involved and the public prosecutor have the right to present additional arguments in writing to support their appeal or objection and to comment on the other side's appeal or the objections of the public prosecutor.

Before consideration begins in the Appeals Court, the parties to the case, other persons involved or the public prosecutor have the right to withdraw their appeals or objections.

#### **Article 71. Persons Participating in the Proceedings of the Appeals Court.**

The Appeals Court may call on the parties to the case to participate in court proceedings. If a party so summoned does not participate, it will be considered a reason to stop the case.

The persons mentioned in Article 68 may participate in the proceedings of the Appeals Court.

#### **Article 72. Presenting New Evidence in Appeals Court.**

Persons mentioned in Article 68 have the right to present new evidence in Appeals Court proceedings prior to the public prosecutor's presentation.

#### **Article 73. The Rules for Considering Cases in Appeals Court.**

Appeals Court deliberations are in open session except as noted in Article 10.

After the court committee chairperson has announced the opening of court and the case to be considered, chair must examine the parties to the case. Then the court decides whether it can consider the case. The court committee chair next announces the names of those on the court committee and the public prosecutor and announces the right to present objections against the court committee or anyone on same, the public prosecutor, experts or translators. After the court committee has reported, the party appealing or the public prosecutor objecting to the verdict must give their reasons for same.

If additional evidence is presented, the court must make sure that the public prosecutor and the others involved in the case are aware of it.

Then the defendant, counsel or the representative of the defendant, the injured party and the civil plaintiff or the representative of those involved will present their explanations to the court. After the court has listened to the statement of the public prosecutor, it must allow the defendant or counsel to make the final statement. Then the court announces the closing of proceedings to allow it to consider its verdict in camera. Following this it will come out to read its verdict in court.

#### **[26 May 90 p 2]**

[Text] Article 74. The Appeals Court's Authority To Consider Cases.

In considering criminal cases the Appeals Court will examine decisions with regard to their legality and reasoning and will depend on the case files and new evidence. It will not only consider those issues on appeal or objections, it must also examine the entire case involving all the defendants even if some defendants did not appeal or object.

In considering a case the Appeals Court has the authority to reduce but not to increase a defendant's sentence.

#### **Article 75. The Verdict of the Appeals Court.**

The verdicts of the Appeals Court may be as follows:

1. To reaffirm the verdict of the court of first instance without change.
2. To change the verdict of the court of first instance in whole or in part.
3. To reverse the verdict of the court of first instance and send the case back to a new court of first instance or to the original if that court had not considered some petition of a party to the case or an objection of the public prosecutor.
4. To reverse the verdict of the court of first instance and abandon the case.

The verdict of the Appeals Court is final.

#### **Article 76. The Reasons for Rescission or Change of a Verdict.**

The reasons for reversing or changing the verdict of a court of first instance are as follows:

1. The investigations or the examination in court were not complete or objective.
2. The opinion of the court was not in keeping with the facts of the case.
3. The rules for criminal cases were violated or criminal laws were incorrectly applied.

4. The punishment was not consistent with the danger to society of the offense and the character of the offender.

**Article 77. The Reconsideration of a Case by a Court of First Instance.**

If an Appeals Court sends a case back to a court of first instance for reconsideration, that consideration must follow the general rules.

In reconsidering a case, the court of first instance may increase the punishment when:

1. The first verdict was reversed pursuant to an objection of a public prosecutor because the court of first instance had imposed an excessively lenient punishment.

2. Reinvestigation of the case proves that the defendant had committed other offenses which were more serious or that he had committed offenses which increased criminal responsibility and additional charges were brought by the public prosecutor.

[28 May 90 p 2]

[Text]

**Section VI. Carrying Out the Verdict of the Court**

**Article 78. Decisions, Judgments, and Verdicts To Be Carried Out.**

The decisions, judgments and verdicts of the court to be carried out include:

1. The final decisions and verdicts of the court of first instance.

2. The verdicts of the Appeals Court upholding or changing verdicts of the court of first instance.

3. The verdicts of the Appeals Court which reverse in whole or in part the verdicts of court of first instance.

4. The decisions and verdicts of the People's Supreme Court.

**Article 79. Organizations Charged With Carrying Out the Decisions, Judgments, and Verdicts of the Court.**

These are:

1. Cadres who carry out judgments involving civil damages in criminal cases.

2. Reform camps for punishments of imprisonment.

3. Administrative authorities, mass organizations, offices or enterprises involved with training.

**Article 80. Releasing Convicts.**

When an offender has completed a prison sentence, reform camp officials must release him/her. If an

offender completes a sentence but is not released, the public prosecutor must order an immediate release.

**Section VII. Rules of the Court Concerning Medical Treatment.**

**Article 81. Court Procedures Concerning the Mentally Ill.**

For persons who commit offenses while mentally ill, who commit offenses while sane but become mentally ill prior to a verdict or who become mentally ill while serving their sentence, the court may apply the rules for medical treatment and send the person to a mental hospital or specialized institution.

After recovery these persons must be brought to trial or must serve their sentences if the statute of limitations on charges or serving sentences has not expired.

The medical treatment period counts toward the sentence.

**Article 82. Court Procedures for Alcoholics or Narcotics Addicts.**

For alcoholics or narcotics addicts who commit offenses but are not imprisoned, the court may opt for medical treatment and send such persons to a hospital or specialized treatment facility. If they are sentenced to prison, the court must provide for medical treatment during their sentence. If they complete their sentences but their treatment is not complete, the court may continue to opt for treatment and send them to a hospital specializing in care for alcoholics and narcotics addicts. Or the court may turn them over to the administrative authorities, social organizations or collective organizations to continue training and treatment.

After recovery these persons must be brought to trial or must serve their sentences if the statute of limitations on charges or sentences has not expired.

The period of medical treatment counts toward the sentence.

[29 May 90 p 2]

[Text]

**Section VIII. Review of Final Decisions, Judgments and Verdicts of the Court**

**Part I. The Problems in the Court of Review**

**Article 83. Objections To Final Decisions, Judgments, and Verdicts.**

These may be subject to objection in a Review Court in order to review the legality and reasoning of the decisions, judgments and verdicts.

Review Courts will accept these final decisions, judgments, and verdicts for reconsideration only if there is an

objection from a public prosecutor, a provincial or Vientiane Prefectural public prosecutor, the Chairperson of the People's Supreme Court or the chair of a provincial or Vientiane Prefectural court.

Public prosecutors and the Chair of the People's Supreme Court have the authority to object to the final decisions, judgments or verdicts of all levels of courts in a Review Court.

#### **Article 84. The Period for Objecting To Final Decisions, Judgments, and Verdicts.**

Objections to final decisions, judgments, and verdicts to a Review Court may be made at any time without limitation. Objections for the purpose of increasing the criminal responsibility of the defendant must be made within 1 year of the day of the final decision, sentence or verdict.

#### **Article 85. Examining Case Files.**

The cadres mentioned in paragraph two of Article 83 have the authority to examine case files.

If it is seen that the objection has sufficient basis, the cadres involved must write an objection and send it to the Review Court together with the case files.

If the objection is without merit, the cadres involved must report the reasons why this is so to the petitioning persons or organizations and send the case files back to the court involved.

#### **Article 86. The Rules for Considering Objections in the Review Court.**

The review court considers objections in court session with the public prosecutor joining to make a statement.

If necessary the review court may summon those who rendered the verdict or others involved in the case to participate in court.

After opening court, the chairperson or the court committee responsible for the case will report the status of the case, the decision, sentence or verdict, the substance of the objection, and a personal view of the case. Then the others on the court committee and the public prosecutor have the authority to question the person responsible for the case. The others involved in the case have the right to present their views to the court.

After the public prosecutor has made a statement, the chair will close court to consider a verdict in camera. Finally a verdict will be brought out and read to the court.

#### **Article 87. The Verdict of the Review Court.**

The verdict may:

1. Disallow the objection and uphold the original decision, sentence or verdict.

2. Rescind the decision or sentence in question and stop the case or send the case files to a new court of first instance or to the original court if the latter had not considered the petitions of the parties to the case or the objection of the public prosecutor.

3. reverse the decision or verdict of the Appeals Court and stop the case and send it to a different Appeals Court or to the same court if that court had not considered the petitions of the parties to the case or the objection of the public prosecutor.

4. Change the decision, sentence or verdict in whole or in part.

#### **Article 88. The Grounds for Reversing or Changing a Decision, Sentence, or Verdict in a Review Court.**

#### **[30 May 90 p 2]**

[Text] A Review Court has the authority to reverse or change a decision, sentence, or verdict in whole or in part if there is such reason as pursuant to Article 76.

#### **Article 89. The Authority of the Review Court.**

In considering objections, the Review Court is not limited to considering issues pertaining to the objection but must also review the entire case again.

If in that case many persons were sentenced and the objection only concerned any one person, the court must consider the cases of all the persons sentenced in the trial even though the objection did not pertain to them.

If the court of first instance or the Appeals Court wrongly cleared the defendant of the charges or stopped the case or if the court sentenced the defendant to a punishment inappropriate to the offense, the Review Court must reverse the sentence or verdict and send the case files back to the court of first instance or Appeals Court involved.

If there were many persons sentenced or cleared of charges, the Review Court does not have the authority to reverse sentences or verdicts of those sentenced or cleared of more serious charges who were not mentioned in the objection.

In considering cases, the Review Court has the authority to reduce a sentence. If it is necessary to increase a sentence, the Review Court must rescind the verdict and send the case files to the court of first instance to reconsider.

In its considerations the Review Court does not have the authority to cite an event not mentioned in the evidence for the verdict.

In reversing a verdict of a court of first instance or a verdict of an Appeals Court, a Review Court does not have the authority to offer an opinion or a decision beforehand about the issues which the court of first instance or Appeals Court will reconsider.

**Article 90. A Court of First Instance's Reconsideration of a Case After a Review Court Has Reversed a Verdict.**

After a Review Court has reversed and sent the case back to the court of first instance for reconsideration, proceedings will be according to the rules specified in Article 77.

**[31 May 90 p 2]**

**[Text] Part II. Reopening a Case With New Conditions or Evidence**

**Article 91. Reopening Cases To Review Final Decisions, Judgments, and Verdicts.**

This may be done if new conditions or evidence is found.

Review Courts will accept reopened criminal cases with new conditions or evidence for consideration only if there has been an objection by a public prosecutor.

**Article 92. The Reasons for Reopening a Case if New Conditions or Evidence Are Found Include:**

1. Witnesses in the case gave false statements; recorders or experts gave false opinions; false evidence was used, or translations were false which led to an erroneous verdict.

2. Partisanship by judges, public prosecutors, investigators or officials led to an erroneous decision.

3. Other factors which indicated errors or the innocence of the person sentenced of which the court did not know at the time of the verdict.

**Article 93. The Time Period for Reopening Cases if New Conditions or Evidence Are Found.**

If new conditions or evidence are found which would tend to increase criminal responsibility, the case can be reopened within one year of the discovery of said conditions or evidence. There is no time limit for reopening cases whereby criminal responsibility would be reduced or ended.

The death of the person sentenced will not hinder the reopening of cases for the purpose of discovering the truth about charges made.

**Article 94. Opening an Investigation When New Conditions and Evidence Have Been Found.**

Any person, enterprise, organization or cadre who discovers new conditions or evidence concerning a case in which there has already been a final decision, sentence or verdict must submit a petition or inform a public prosecutor.

If there are grounds as pursuant to Article 92, the public prosecutor must order an investigation of the new conditions or evidence.

If the public prosecutor finds that there is no basis for reopening the case, he/she must order that no investigation be initiated. This order must be reported to the person, enterprise, organization or cadre involved. These parties then have the right to request cancellation of this order from a public prosecutor higher up.

**Article 95. The Duties of the Public Prosecutor After the Conclusion of an Investigation Resulting From the Discovery of New Conditions or Evidence.**

After said investigation, if there is sufficient reason to reopen a case the public prosecutor must send the case file and any documents resulting from the investigation plus his/her own statement to the procurator general so that objections to the decision in the case being reopened can be passed on to the Review Court. However if it is seen that there is not sufficient reason to reopen the case, the public prosecutor must order the abandonment of the case and report this to the persons, enterprise, organization or cadre involved. These parties then have the right to request a cancellation of this order from a public prosecutor higher up.

**Article 96. The Verdict of the Review Court if New Conditions or Evidence Are Discovered.**

If new conditions or evidence are found the Review Court has the authority to pass the following verdicts:

1. To cancel the objection of the procurator general.
2. To reverse the sentence or verdict of the court and to send the case files to a new court to consider.
3. To reverse the sentence or verdict and abandon the case.

This legal code was voted on and endorsed by the Second Enlarged Plenary Session of the Supreme People's Assembly (session II).

On 23 November 1989 at 1530 hours.

**END OF  
FICHE**

**DATE FILMED**

5 April 1991